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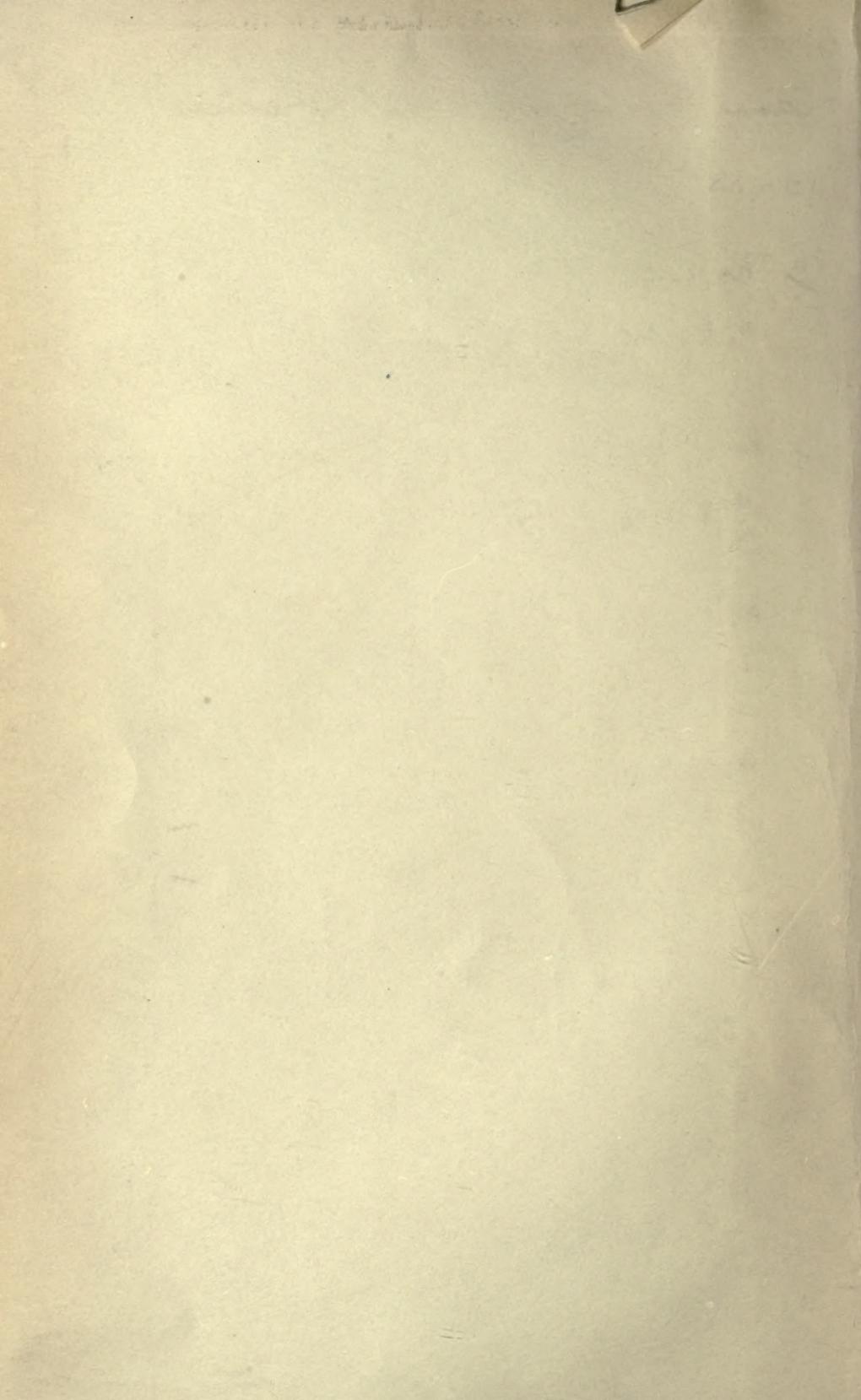
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James Sprunt Studies in History and
Political Science

THE UNIVERSITY OF NORTH CAROLINA

The James Sprunt Historical Publications

PUBLISHED UNDER THE DIRECTION OF

The North Carolina Historical Society

J. G. DE ROULHAC HAMILTON
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CONTENTS

Benjamin Sherwood Hedrick

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PREFACE

The letters and documents bearing on the Hedrick case have been gathered by the author from various sources and are here printed with only such editorial additions as seemed necessary to preserve the connection and make the story clear. While the events narrated are part of the history of the University of North Carolina, they also seem to be so illustrative of typical Southern conditions in the late fifties as to be of interest to all students of the period.

The author, or more properly, the editor, wishes to make grateful acknowledgment of the kindness of Mr. R. D. W. Connor, Secretary of the North Carolina Historical Commission, and Mr. H. M. Lydenberg, Reference Librarian of the Astor Library, in securing material for him.

Chapel Hill, N. C., December 14th, 1910.

4

BENJAMIN SHERWOOD HEDRICK

One of the greatest evils of the system of American slavery was the denial in the South of freedom of speech and of opinion in regard to it. As the question entered politics the evil became intensified until it was almost unbearable. This violation of one of the fundamental principles of American doctrine was indeed a late development and was largely the result of outside pressure. Washington, Jefferson, Clay, and a host of other distinguished sons of Southern States were frank in their opposition to the institution. The American Colonization Society had many members in the South and emancipation societies for many years throve mightily in the midst of slavery. One of these in North Carolina had more than thirty branches in various towns with a large and quite an influential membership. In North Carolina, indeed, considerable opposition was to be expected. Slavery was never so profitable there as in the neighboring States and the institution never established so firm a hold upon its people. The presence, too, of many of the Society of Friends and the influence exerted by them also contributed to arouse an active opposition. But with the growth of hostile abolition sentiment in the North and the consequent attacks upon the South, the expression of sentiments inimical to slavery became of rare occurrence and North Carolina like the other Southern States soon reached the point of refusing to tolerate any utterance of anti-slavery opinion.

After 1850, however, it is apparent that opposition was growing. In the main it sprang from the small farmer and working man who saw in slavery a bar to progress for himself and his children. Thousands of such men left the State for the Northwest to build their lives anew and to hand down to their children an undying hatred of the institution which they regarded as a blight upon the land of their nativity. This opposition was not based upon moral grounds nor did solicitude for the negro have

anything to do with it. The explanation of it was to be found only in economic and social conditions springing out of its existence. The wrong of slavery was not to the slave, but to the non-slaveholder,—to labor generally.

This anti-slavery sentiment in the State found expression in 1857 in Hinton Rowan Helper's *Impending Crisis*, a most remarkable book and one entirely representative of a large body of opinion, unorganized, unconscious of its power, but slowly coming to a clear conception of the burden which slavery imposed upon the South and upon their own class in particular. But for John Brown's raid and the rapid progress of the States to civil war, North Carolina of the sixties would probably have been interesting as the scene of a fierce internal contest over slavery with the odds in favor of its gradual emancipation.

One of the most interesting chapters in this unorganized anti-slavery movement is to be found in the case of Benjamin Sherwood Hedrick, Professor of Chemistry in the University of North Carolina.

Mr. Hedrick was born near Salisbury, in what is now Davidson county, but was then a part of Rowan, on February 13, 1827. He was of German stock, his great-grandfather, Peter Hedrick, having come to the State in the German migration from Pennsylvania. His father, John Leonard Hedrick, was a farmer and builder who by energy and thrift had reached a position of prosperity and comfort. His mother was Elizabeth Sherwood.

After going to school for some years in the neighborhood of his home, Hedrick went to Lexington, N. C., where he attended a school taught by the Rev. Jesse Rankin. Here he became much interested in his work and formed the determination to go to college. Entering the sophomore class of the University of North Carolina in 1848, he graduated in 1851 with first honors. He took an especially high stand in mathematical studies and was recommended by President Swain to ex-Governor William A. Graham, then Secretary of the Navy, who appointed him to a clerkship in the office of the Nautical Almanac. He was stationed at Cambridge, Massachusetts, and took

advantage of this opportunity to take advanced work in chemistry and mathematics under Horsford and Peirce and also attended the lectures of Agassiz.

In 1852 he was offered a position at Davidson College and at the same time President Swain wrote him that he was being considered for a new chair at the University. The department was Chemistry applied to Agriculture and the Arts. A letter to Governor Swain explains his motives in accepting the position.

B. S. Hedrick to D. L. Swain.

Cambridge, December 13, 1852.

My Dear Sir:—

Yours of the 8th inst. was received this morning, and as you know most of the reasons which would induce me either to accept or decline the place you have in view, I can answer you in a few words. I am writing that you should use my name before the Trustees if they can offer a compensation which you believe I ought to accept. You know what they offer me at Davidson. My present employment will probably bring me as much money as any offer I have had, and offers as wide a field as the ambition of any one need desire. But it has been my intention from the first to return to Carolina as soon as I could have a fair opportunity.

As I have never given any time to drawing and the practical parts of engineering I think I should not now change my course of study as much as would be necessary to qualify myself in these branches. I should prefer to teach Chemistry and Physics—would not object to any of the branches of Mathematical Science except those above mentioned.

I have not had official notice of my election at Davidson, and am in no way committed to them. Though it is probable I shall accept there if I do not go to the University. For they seem disposed to do the best they can to obtain me, and as a Carolinian I cannot well refuse them. Tho' by no means assured that it would be doing the best for myself.

Please let me know the result of the action of the Trustees as early as practicable.

Most respectfully yours,

B. S. Hedrick.

Hon. David L. Swain, Raleigh, N. C.

Mr. Hedrick was brought up in a family and community in which anti-slavery feeling was common and his life at the North had tended to strengthen his belief that slavery was an evil. But when he entered upon his duties in 1854 he took no part in the constant discussions of the subject and devoted

himself with great success to building up a strong department. The campaign of 1856 was one of intense excitement in North Carolina and feeling ran high. In politics, Mr. Hedrick had always been a Democrat and in the State elections in August he voted that ticket. Rumors, however, of his inclination towards the new and hated "black" Republican party went abroad and on September 17, the following editorial appeared in the *North Carolina Standard*, the organ of the Democratic party and easily the most influential paper in the State, whose editor, William W. Holden, was the leader of pro-slavery and secession sentiment in North Carolina.

FREMONT IN THE SOUTH

Can it be possible that there are men in the South who prefer Fremont for the Presidency, or who would acquiesce in his election? The New York Herald boasts that there are already Electoral tickets in Virginia, Kentucky, and Maryland; and it adds, "Texas and North Carolina will probably soon follow suit." This is a vile slander on the Southern people. No Fremont Electoral ticket can be formed in North Carolina—mark that! It may be that there are traitors here and there, in this State, as there were tories in the Revolution, who would thus deliver up their native land to the fury of the fanatic and the torch of the incendiary; but they are few and far between. They do not number more than one in one hundred.

The election of Fremont would inevitably lead to a separation of the States. Even if no overt or direct act of dissolution should take place, he could not carry on the government in the South. No true or decent Southern man would accept office under him; and our people would never submit to have their postoffices, custom houses and the like, filled with Fremont's Yankee abolitionists. We would not expect nor ask the Northern people to submit in a similar case—and we will not submit. Suppose, for example, the Southern people, having the power to elect a President, should nominate a candidate on sectional grounds, pledge to wield all the powers of the federal government to extend and propagate domestic slavery, and pledge to measures of gross aggression, without regard to the Constitution, or the rights and property of the Northern people; and suppose they should elect such a candidate—what would the North do? They would resist it, and they ought to resist it. They would regard it as a vital dissolution of the Union, and would act accordingly. The Union can neither be administered nor can it exist on sectional grounds.

If there be Fremont men among us, let them be silenced or required to leave. The expression of black Republican opinions in our midst, is incompatible with our honor and safety as a people. If at all necessary, we shall refer to this matter again. Let our schools and seminaries of learning be scrutinized; and if black Republicans be found in them, let them be driven out. That man is neither a fit nor a safe instructor of our young men, who even inclines to Fremont and black Republicanism.

On September 29th, the *Standard* published under the signature "An Alumnus" the following letter written by John A. Engelhard, a law student in the University who had been an honor graduate in 1854:

COMMUNICATIONS
FREMONT IN THE SOUTH

Messrs. Editors:—We have noticed with pleasure that Southern fathers are beginning to feel the necessity of educating their sons south of Mason and Dixon's line. The catalogues of Yale and other Northern armories of Sharpe's rifles, have but few (shame upon those few) Southern names. The importance of emancipating our young men from the baneful influences of the North—and no where is this influence more zealously exerted and powerfully felt than in Northern colleges and under black Republican teachers—has taken firm hold on our people; and we notice, with a high degree of gratitude to Bishop Polk of Louisiana, that the clergy and the church are in a fair way of taking concerted measures for more fully bringing about an object so much desired.* We have every reason to believe that unless the course of the North very materially changes—and we are forced to say, we see no immediate chance for such a result—there will be inaugurated at the South a system of education congenial to our institutions.

We are proud of such names as Harvard and Yale; and feel that such benefactors of the human race should be held in everlasting remembrance by a grateful country. But their laudable objects are being frustrated by the fanatics that have obtained possession of the government of the schools their charity has founded, for the benefit equally of the *slave owner* and the *slave hirer*. At the former, the South is insulted by the dismissal of an instructor for performing his constitutional duty as judge; and at the latter the Southern young men see their professors and fellow students, in the name of the college—nay, of the very *class of which they are members*—buying *religious rifles* to shoot their own brothers that may be seeking honorable and profitable employment in Kansas. These colleges have been turned from their legitimate channels and been perverted into strongholds of fanaticism; and from being links of union between all parts of our country, have become hot-houses for the nurture of artificial statesmen of the Garrisonian school and manufactories of "bleeding Kansas" tragedies.

Then, when our fathers and guardians see such a state of things it is not to be wondered at that our Southern colleges are so largely attended, and Southern seminaries of all grades full to overflowing.

The cause is palpable—a determination to free ourselves from Northern thralldom and stop the revenue accruing to their abolition treasuries from the labor of Southern slaves. It is a praiseworthy object; and we glory to see this great reaction in the proportionate

*This refers to the discussion then going on as to the establishment of the University of the South. The plan was carried out and the University founded at Sewanee, Tennessee. One of the main ideas of its founders, Bishops Polk of Louisiana and Otey of Tennessee, both alumni of the University of North Carolina, was that here some practical solution of the slavery problem might be worked out.

numbers of Northern and Southern schools.

But the question occurs, are we entirely rid of Northern influence in the South? Can North Carolina tell the world that her seminaries of learning are free from the corrupting influences of black Republicanism, and Southerners can receive Southern education unmixed with instructions hostile to the feelings and opinions their parents have instilled into them? Nay, can the Trustees of our State University invite pupils to the institution under their charge with the assurance that this main stream of education contains no deadly poison at its fountain head? Can boys be taken from Northern colleges and transferred to our University with perfect security?

We have been led to these considerations, Messrs. Editors, by an article headed "Fremont in the South" in a late issue of the Standard, and more particularly the following closing paragraph:

"If there be Fremont men among us, let them be silenced or required to leave. *The expression of black Republican opinions in our midst is incompatible with our honor and safety as a people.*

"If at all necessary we shall refer to this matter again. Let our schools and seminaries of learning be scrutinized; and if black Republicans be found in them let them be driven out. *That man is neither a fit nor a safe instructor of our young men, who even inclines to Fremont and black Republicanism.*" We were very much gratified to notice this article in your paper at this particular time; for we have been reliably informed that a professor at our State University is an open and avowed supporter of Fremont, and declares his willingness—nay, his desire—to support the black Republican ticket; and the want of a Fremont electoral ticket in North Carolina is the only barrier to this Southern professor from carrying out his patriotic wishes. *Is he a fit or safe instructor for our young men?*

If our information be entirely correct in regard to the political tendencies and Fremont bias of this professor, ought he not to be "required to leave", at least dismissed from a situation where his poisonous influence is so powerful, and his teachings so antagonistical to the "honor and safety" of the University and the State? Where is the creative power? To them we appeal. Have they no restrictive clause in the selection of instructors or limiting code in regard to their actions?

If the Trustees or Faculty have no powers in regard to the matter in question, we think if a fit object of early legislation at the next meeting of our General Assembly. *This ought and must be looked to. We must have certain security, under existing relations of North with South, that at State Universities at least we will have no canker worm preying at the very vitals of Southern institutions.*

Upon what ground can a Southern instructor relying for his support upon Southern money, selected to impart healthy instruction to the sons of Southern slave owners, and indebted for his situation to a Southern State, excuse his support of Fremont, with a platform which eschews the fathers of his pupils and the State from whose University he received his station and from whose treasury he supports his family?

Does he tell the young men that he is in favor of a man for the Presidency, nominated by men whom their fathers could not nor would not sit in Convention with; placed upon a platform hostile to their every interest; its separate planks put together by the vilest Southernhaters of the North, upon which all the *isms* of Yankeedom find aid

and comfort; whose Cabinet, in the event of his election, would be composed of such men as Speaker Banks, who is willing to "let the Union slide;" and Mr. "Niagara" Burlingame, who demands an "anti-slavery Bible and an anti-slavery God;" whose orators belch forth vile slanders upon the South under flags whose venomous folds reveal but sixteen stars, and whose torch-light processions do not "march under the flag nor keep step to the music of the Union"? Does he read the following extract taken from *his* candidate's letter accepting the nomination: "*I am opposed to slavery in the abstract and upon principle, sustained and made habitual by long-settled convictions?*" Are these the doctrines he advocates to young men, two-thirds of whose property consists in slaves?

It cannot be denied by any person cognizant of college influences, that each professor has his quota of friends and admirers among the students, and their minds are to a certain degree, upon general subjects, merely daguerrotypes of his opinions. This is natural. The student is young, and the instructors are placed over them, *in loco parentis*, to guide them correctly; and the young graduate leaves with opinions moulded by his instructors that will cling to him through life.

We ask, are we correctly informed concerning the political inclination and expressed opinions of this professor? If not, we hope to be corrected; and if we are, we call upon the proper authorities to take action, for the sake of the prosperity of our **Alma Mater** and the **good of the State**.

AN ALUMNUS.

It was plainly directed at Mr. Hedrick and he was of a spirit that could not endure to be attacked without making any reply. He considered the matter carefully and, although urged to let the matter stand, became convinced that he should answer the communication. He accordingly sent his "Defence" to the *Standard*, which on October 4th, published it with this editorial comment:

"As a matter of justice to Mr. Hedrick, we publish today what he styles his "Defence" against the charge of being a black Republican. There is not a point made or presented in this Defence which could not be triumphantly met and exposed; but surely it cannot be expected of us, or of our correspondent, "An Alumnus," or any citizen of the State, to *argue* with a black Republican. The Professor closes his Defence with the opinion that "those who prefer to denounce" him "should at least support their charges with their names." The author of "An Alumnus" is a gentleman of high character, and entirely responsible for what he has said, or may say. He is a resident of this place, and his name can be found out if at all necessary.

We adhere to our opinion recently expressed in the *Standard*. *The expression of black Republican opinions in our midst is incompatible with our honor and safety as a people. That man is neither a fit nor a safe instructor of our young men, whoever inclines to befriend black Republicanism.*

This is a matter however, for the Trustees of the University. We take it for granted that Professor Hedrick will be promptly removed.

PROFESSOR HEDRICK'S DEFENCE

Messrs. Editors:—In the last "Standard," I see a communication, signed "Alumnus." Although my name is not mentioned therein, still I suppose there is little doubt that it was all intended for me. Now, politics not being my trade, I feel some hesitation in appearing before the public, especially at a time like this, when there seems to be a greater desire on the part of those who give direction to public opinion to stir up strife and hatred, than to cultivate feelings of respect and kindness. But, lest my silence be misinterpreted, I will reply, as briefly as possible to this, as it appears to me, uncalled-for attack on my politics.

Then, to make the matter short, I say I am in favor of the election of Fremont to the Presidency; and these are my reasons for my preference:

1st. Because I like the man. He was born and educated at the South. He has lived at the North and the West, and therefore has an opportunity of being acquainted with our people,—an advantage not possessed by his competitors. He is known and honored both at home and abroad. He has shown his love of his country by unwavering devotion to its interests. And whether teaching school for the support of his widowed mother, or exploring the wilds of the great West; whether enlarging the boundaries of science or acquiring for our country the "golden State"; whether establishing a constitution for this youngest daughter of the Union, or occupying a seat in the Senate of the Nation,—in every position, and under all circumstances,—whether demanding heroic daring or prudent council, he has always possessed the courage to undertake, and the wisdom to carry through. In reference to the value of his services in California, Mr. Buchanan says, "he bore a conspicuous part in the conquest of California, and in my opinion is better entitled to be called the conqueror of California than any other man." For such services and such ability, I love to do him honor. "Platforms" and principles are good enough in their places; but for the Presidential chair, the first requisite is the *man*.

2nd. Because Fremont is on the right side of the great question which now disturbs the public peace. Opposition to slavery extension is neither a Northern nor a Southern sectional *ism*. It originated with the great Southern statesmen of the Revolution. Washington, Jefferson, Patrick Henry, Madison, and Randolph were all opposed to slavery in the abstract, and were all opposed to admitting it into new territory. One of the early acts of the patriots of the Revolution was to pass the ordinance of "87" by which slavery was excluded from all the territories we then possessed. This was going farther than the Republicans of the present day claim. Many of these great men were slaveholders; but they did not let self interest blind them to the evils of the system.

Jefferson says that slavery exerts an evil influence both on the whites and the blacks; but he was opposed to the abolition of slavery, by which the slaves would be turned loose among the whites. In his autobiography he says: "Nothing is more certainly written in the book of fate, than that these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same government. Nature, habit, opinion, have drawn indelible lines between them." Among the evils which he says slavery brings upon the whites, is to make them tyrannical and idle. "With the morals of the people their industry also is destroyed. For in a warm climate no man will labor

for himself who can make another labor for him. This is true, that of the proprietors of slaves a very small proportion indeed, are ever seen to labor." What was true in Jefferson's time is true now. I might go on and give "Alumnus" every week from now to the election, a column of good "black Republican" documents, all written by the most eminent Southern statesmen, beginning with Washington, and including nearly all of eminence for ability, virtue, and patriotism, and coming down to our own times. No longer ago than 1850, Henry Clay declared in the Senate—"I never can and never will vote, and no earthly power ever will make me vote to spread slavery over territory where it does not exist." At the same time that Clay was opposed to slavery, he was, like Fremont, opposed to the least interference by the general government, with slavery in the States where it does exist.

Should there be any interference with subjects belonging to State policy, either by other States or by the federal government, no one will be more ready than myself, to defend the "good old North," my native State. But with Washington, Jefferson, Franklin, Henry, Randolph, Clay, and Webster for political teachers, I cannot believe that slavery is preferable to freedom, or that slavery extension is one of the constitutional rights of the South. If "Alumnus" thinks that Calhoun, or any other, was a wiser statesman or better Southerner than either Washington or Jefferson, he is welcome to his opinion. I shall not attempt to abridge his liberty in the least. But my own opinions I will have, whether he is willing to grant me that right of every free man or not. I believe that I have had quite as good an opportunity as he has to form an opinion on the questions now to be settled. And when "Alumnus" talks of "driving me out" for sentiments once held by these great men, I cannot help thinking that he is becoming rather fanatical.

For the information of "Alumnus" I will state that he has put himself to unnecessary trouble in blazoning this matter before the public. The whole subject belongs exclusively to the jurisdiction of the Trustees of the University. They are men of integrity and influence, and have at heart the best interests of the University. There is no difficulty in bringing this, or any other question relating to the Faculty or students, before them. "Alumnus" has also made another mistake, in supposing that the Faculty take upon themselves to influence the political opinions of the students. The students come to College generally, with their party politics already fixed; and it is exceedingly rare for them to change while here. It has, however, been often remarked that a very violent partisan at College, is pretty sure to "turn over" before he has left College long. I have been connected with our University, as student and Professor, for six years, and am free to say that I know no institution, North or South, from which partisan politics and sectarian religion are so entirely excluded. And yet we are too often attacked by the bigots of both. For my own part, I do not know the politics of more than one in a hundred of the students, except that I might infer to which party they belonged, from a knowledge of the politics of their fathers. And they would not have known my own predilections in the present contest, had not one of their number asked me which one of the candidates I preferred.

But, if "Alumnus" would understand the state of things here

correctly, he had better make a visit to the University. He would find each member of the Faculty busy teaching in his own department, whether of science or literature; and that party politics is one of the branches which we leave the student to study at some other place and time. If "Alumnus" does conclude to visit us, there is another matter to which I might direct his attention. The two societies here, to the one or the other of which all the students belong, have each a very good library, and in those libraries are to be found the "complete works" of many of our great statesmen.

Now, for fear that the minds of the students may be "poisoned" by reading some of these staunch old patriots, would it be well for "Alumnus" to exert himself, through the Legislature or otherwise, to "drive" them out of the libraries? It is true the works of Calhoun are in the same case with those of Jefferson; but from appearances, the Virginian seems to be read pretty often, whilst the South Carolinian maintains a posture of "masterly inactivity." When I was a student in College, a few years ago, the young politicians used to debate in the "Halls" of the societies, the same questions which the old politicians were debating in the Halls of Congress. The side which opposed slavery in the abstract, generally had the books in their favor, and as the records of the societies will show, they had quite often "the best of the argument." So that when Col. Fremont said that he was "opposed to slavery in the abstract and upon principle, sustained and made habitual by long-settled convictions," he but uttered the sentiments of four-fifths of the best Southern patriots from the Revolution down to the present day; and I may add, of the majority of the people among whom I was born and educated. Of my neighbors, friends, and kindred, nearly one-half left the State since I was old enough to remember. Many is the time I have stood by the loaded emigrant wagon, and given the parting hand to those whose face I was never to look upon again. They were going to seek homes in the free West, knowing, as they did, that free and slave labor could not both exist and prosper in the same community. If any one thinks that I speak without knowledge, let him refer to the last census. He will here find, that in 1850, there were fifty-eight thousand native North Carolinians living in the free States of the West. Thirty-three thousand in Indiana alone. There were, at the same time, one hundred and eighty thousand Virginians living in free States. Now, if these people were so much in love with the "institution" why did they not remain where they could enjoy its blessings? It is not, however, my object to attack the institution of slavery. But even the most zealous defender of the patriarchial institution cannot shut his eyes to a few facts. One is, that in nearly all the slave States there is a deficiency of labor. Since the abolition of the African slave trade, there is no source for obtaining a supply, except from the natural increase. For this reason, among others, a gentleman of South Carolina, in an article published in BeBow's Review for August, 1856, advocates a dissolution of the Union in order that the African slave trade may be revived. From North Carolina and Virginia nearly the entire increase of the slave population during the last twenty years, has been sent off to the new States of the Southwest. In my boyhood I lived on one of the great thoroughfares of travel, (near Lock's Bridge on the Yadkin River) and have seen as many as two thousand in a single day, going South, mostly in the hands of speculators. Now, the loss of these two

thousands did the State a greater injury than would the shipping off of a million dollars. I think I may ask any sensible man how we are to grow rich and prosper, while "driving out" a million dollars a day. I am glad, however, to say that the ruinous policy is not now carried on to such an extent as it has been. But there is still too much of it. I have very little doubt that if the slaves which are now scattered thinly over Tennessee, Kentucky, and Missouri, were back in Virginia and North Carolina, it would be better for all concerned. These old States could then go on and develop the immense wealth which must remain locked for many years to come. Whilst the new States, free from a system which degrades white labor, would become a land of Common schools, thrift and industry, equal if not superior to any in the Union. But letting that be as it may, still no one can deny that here in North Carolina we need more men, rather than more land. Then why go to war to make more slave States, when we have too much territory already, for the force we have to work it? Our fathers fought for freedom, and one of the tyrannical acts which they threw in the teeth of Great Britain was that she forced slavery upon the Colonies against their will. Now, the secessionists are trying to dissolve the Union because they are not permitted to establish slavery in the Territory of Kansas. If the institution of slavery is a good and desirable thing in itself, it is the easiest thing in the world for the people to vote for its introduction at any time after they have formed a Constitution and been admitted as a State. If it is not a thing good and desirable, it would be an act of great oppression to force it upon them. For, however any one may lament the evils of slavery, it is almost impossible to get rid of the system when once introduced. Nullify it by law if you will, still the evil remains, perhaps aggravated. But in a new State a few words in the Constitution may prevent the entire evil from entering.

From my knowledge of the people of North Carolina, I believe that the majority of them who will go to Kansas during the next five years, would prefer that it should be a free State. I am sure that if I were to go there I should vote to exclude slavery. In doing so I believe that I should advance the best interest of Kansas, and at the same time benefit North Carolina and Virginia, by preventing the carrying of slaves who may be more profitably employed at home.

Born in the "good old North State", I cherish a love for her and her people that I bear to no other State or people. It will ever be my sincere wish to advance her interests. I love also the Union of the States, secured as it was by the blood of *my* ancestors; and whatever influence I possess, though small it may be, shall be exerted for its preservation. I do not claim infallibility for my opinions. Wiser and better men have been mistaken. But holding as I do the doctrines once advocated by Washington and Jefferson, I think I should be met by argument and not by denunciation. At any rate, those who prefer to denounce me should at least support their charges by their own name.

B. S. HEDRICK.

Chapel Hill, October 1st. 1856.

The "Defence" caused such excitement that a meeting of the Executive Committee of the Board of Trustees was called at

nce to consider the case. Its proceedings will appear from the following letter from the Secretary of the Board of Trustees:

Charles Manly to David Lowrie Swain.

Raleigh, October 4th, 1856.

My dear Governor:

The political essay of Professor Hedrick which appeared in the Standard yesterday has given great pain to the Trustees and Friends of the University. No apology nor justification has been heard in his defence. At the meeting of the Executive Committee today a resolution was offered requesting him to resign and in case of refusal to dismiss him peremptorily.

But other counsels prevailed, the opinions and advice of other Trustees here, not members of the Committee, were heard, the resolution was withdrawn and it was finally agreed *unanimously* that you shall be requested to use your influence in persuading him to resign. Indeed, I was requested to go up to the Hill and to co-operate with you in bringing about this result. But my health is bad, I have little acquaintance with Mr. Hedrick and I can't see what I could do by going.

If he has any sensibility or proper self-respect an intimation that it is the wish of the Trustees that he shall resign, will be sufficient; but if he wishes to be *dismissed*; that he may fly to Yankeedom as the *great proscribed*: and find refuge in the bosom of Black Republicans with the blood of martyrdom streaming from his skirts, then he will not resign but will wait to be kicked out. I hope therefore that you will put on your Diplomatic Cap and manage this thing right.

If it were not so painful for me to sit up long and write, I would give you a full page on the utter want of tact, good taste, prudence and common sense in Hedrick's writing and publishing such an Essay on the eve of a heated political Campaign.

He is without excuse and is bound to go overboard—but the thing is to do this with the least damage to him and with the least noise and damage to the Institution.

Faithfully your friend,

CHAS. MANLY.*

On October 6, the Faculty of the University met to discuss the matter. The following is the record of their proceedings:

University of North Carolina,

Chapel Hill, Oct. 6, 1856.

The Faculty met at 12 o'clock, M., under a summons from the President. Present, Hon. David L. Swain, President; Professors E. Mitchell,

*Charles Manly was a graduate of the University in the class of 1814. He was a lawyer by profession and had served one term, 1848 to 1850, as governor of the State. He was Secretary and Treasurer of the University from 1821 to 1848 and from 1851 to 1869. He died in 1871.

J. Phillips, M. Fetter, F. M. Hubbard, J. T. Wheat, A. M. Shipp, C. Phillips, B. S. Hedrick, A. G. Brown; Instructor, H. Herrissee; Tutors, S. Pool, J. B. Lucas, R. H. Battle and W. H. Wetmore.

The President stated to the Faculty that he felt himself called upon to direct their attention to the publication of Prof. Hedrick, in the North Carolina Standard of Saturday. Very few remarks, he said, will suffice in relation to the present subject.

In an institution sustained like this, by all denominations and parties, nothing should be permitted to be done, calculated to disturb the harmonious intercourse of those who support and those who direct and govern it. And this is well known to have been our policy and practice, during a long series of years. Mr. Hedrick's testimony that "as student and Professor" he has known "no institution, North or South, from which partizan politics and sectarian religion are so carefully excluded," will be received with perfect credence by our graduates and by all familiar with the state of things among us.

To secure an end so essential to the reputation, prosperity, and usefulness of the University, cautious forbearance has been practiced by the Faculty, and enjoined upon the students, in relation to these subjects. The sermons, delivered on the Sabbath, in the College Chapel, have been confined to an exhibition of the leading doctrines of Christianity, with respect to which no difference of opinion exists among us; and no student, during the last twenty years, has been permitted to discuss upon the public stage any question of party politics. This course upon the part of all, has been regarded as not merely necessary to internal harmony and quiet—in unison with kind feeling and good taste, but as due to numbers of persons of different tenets and opinions, who honor us with their attendance upon our public exercises, and have a right to respectful consideration.

On motion of Dr. Mitchell, seconded by Prof. Fetter, the President's communications was referred to a committee, consisting of Dr. Mitchell, Dr. Phillips and Prof. Hubbard, who reported the following resolutions:

Resolved, That the course pursued by Prof. Hedrick, as set forth in his publication in the North Carolina Standard of the 4th inst., is not warranted by our usages; and the political opinions expressed, are not those entertained by any other member of this body.

Resolved, "That while we feel bound to declare our sentiments freely upon this occasion, we entertain none other than feelings of personal respect and kindness for the subject of them; and sincerely regret the indiscretion into which he seems, in this instance, to have fallen.

After a brief discussion, the resolutions were adopted by the following vote: Ayes—Messrs. Mitchell, Phillips, Fetter, Hubbard, Wheat, Shipp, C. Phillips, Brown, Pool, Lucas, Battle, and Wetmore. Nay—Mr. Herrissee, who said that he voted in the negative, "simply on the ground that the Faculty is neither charged with black Republicanism, nor likely to be suspected of it."

On motion of Dr. Wheat, seconded by Prof. Shipp, the Secretary was directed to transmit a copy of the foregoing proceedings of the Faculty to the Trustees of the University.

President Swain forwarded them to Charles Manly with the following letter:

*Standard, October 11, 1856.

David L. Swain to Charles Manly.

Chapel Hill, 6 Oct., 1856.

My dear Sir:

You will receive by the present mail, the proceedings of the Faculty in relation to the publication of Prof. Hedrick. It seems to me to be important that the opinion of the Faculty, on the subject to which the proceedings were advanced be placed before the public, without delay, and I would have had a copy sent to Mr. Holden at once if I had not supposed it would be more respectful to submit that to the Executive Committee in the first action.

If a meeting of the Committee cannot be had immediately or whether it can or cannot, you may if you deem it proper send them to the Editor of the Standard forthwith.

I somewhat feared an outbreak on the receipt of the Standard, condemning Prof. Hedrick's communication, and there was a noisy demonstration on Saturday night. It did not amount to much, however. I addressed the whole body of students on the subject Sunday morning and have reason to suppose that things will go on quietly. I perceive no symptoms of excitement at present.

Yours very sincerely,

D. L. SWAIN.

Gov. Manly.

The resolutions were published in the Standard, which commented as follows:

*Proceedings of the Faculty of the University**

We publish today, by request of the Faculty and the Executive Committee of the Board of Trustees, the proceedings of the Faculty in relation to Mr. Hedrick.

It is unquestionably true, as stated by Mr. Herrissee, that the "Faculty is neither charged with black Republicanism nor likely to be suspected of it"—yet, it seems to us, they have adopted a course in this matter which is entirely proper, and which must receive general public approval.

It was natural that the conduct of Mr. Hedrick should excite anxiety in the minds of the President and Faculty; and in promptly repudiating both his conduct and his dangerous and unconstitutional political opinions, they have not only guarded themselves in advance against the remotest suspicion of sympathizing with him in his views, but they have shown themselves faithful to the people of the State, whose University is their immediate charge, and have met, we doubt not, the expectations, as their proceedings will receive the unanimous approval of the Board of Trustees.

Gov. Swain, in his communication to the Faculty, has stated nothing more nor less than the truth of history, in relation to the University and partisan politics and sectarian religion. The institution has habitually avoided both; and herein has it found one of the main elements of its prosperity and constantly increasing usefulness.

Nothing remains now but to cut off, if it should be necessary, the

*Standard, October 11, 1856.

offending member. Mr. Hedrick, it seems, was present at the meeting of the Faculty on the 6th; and it is not stated that he withdrew from the meeting. Almost anyone, it seems to us, would have resigned at once; but either he does not appreciate the delicacy of his situation, or he is waiting to be dismissed, so that he may become "a lion" at Cambridge, or in some other black Republican circle. It is obvious that his usefulness as a Professor in our University, is gone; and the sooner he leaves it, or is discharged from it, the better for the institution itself and for the character of the State.

We learn from a young friend at Chapel Hill, that on Saturday night last Mr. Hedrick was burnt in effigy in the College Campus, and the bell was tolled until the effigy was consumed. Much indignation was excited on the receipt of the Standard containing his letter. We learn from the friend referred to, that Mr. Hedrick was of the opinion that *we* had some agency in this—that *we* urged the students to this course, furnished the materials for the effigy, etc. Nothing could be more unfounded than this imputation. We have had no communication with anyone in Chapel Hill, or elsewhere, in relation to Mr. Hedrick's conduct. We brought the charge against him of treason to his section and to the Constitution; and we published his "Defence". Our motto is, "Strike, but hear." His "Defence," though ingenious, impudent, and highly objectionable, is not seditious; and so as we had brought the charge against him, we allowed him a hearing. In this we did right. Yet, though all his arguments might have been easily answered, and all his Freesoil views dissipated by the touch of truth, we offered no reply, because *we do not choose to argue with a black Republican*. We *argue* with no man who proposes to degrade us, or who approaches us with hostile intent and deadly weapon. That is the reason we made no reply to Mr. Hedrick. But we studiously refrained from uttering anything calculated to excite the students against him; and we regret that they burnt him in effigy. We sympathize with them in their very natural and very just feelings of indignation; yet they are *under authority* now, as they may expect to be *in authority* hereafter, as men; and it is highly important that order and decorum should be preserved at the University. Besides, any violence which may be offered to Mr. Hedrick—every act, holding him up to public scorn, will only tend to his advantage and advancement among his black Republican associates of the free States. Let no young gentleman in the University conclude, for a moment, that *we* are attempting a *lecture*. That is neither our province nor our duty. We are only uttering our honest views as to the proper course to be observed. *Let the Professor be*, he feels acutely enough his indiscretion, his sin, without hisses and effigies. We feel confident, and so assure the students, that the Executive Committee will perform their whole duty. The stain will be wiped out—the University will not be injured, and peace and good feeling will be speedily restored.

The same day Mr. Hedrick wrote to Governor Bragg in explanation of the whole matter.

B. S. Hedrick to Thomas Bragg.

Chapel Hill, Oct. 6, 1856.

Dear Sir:—

As the course which I have taken in publishing the letter which

appeared in the Standard of the 4th inst. may appear to some, extraordinary, I hope a simple statement of the reasons which have induced me to take this step will be kindly received.

At the State election in August I went to the polls to give my vote. One of the students (Mr. Cozart) was in the window at which the votes were taken, and over-looked my vote as I handed it in. Seeing it to agree with his own opinions in Politics (Democratic) he remarked "that is alright." While leaving the place of voting I was met by several students, who began to question me as to how I had voted, how I should vote for President, etc. I told them that I did not know that I should vote for President at all. One asked whether if there were a Fremont ticket I would support it. I said I would. Another (Mr. Mullens) asked whether in case the South were attacked by the North I would support the North. I said, no, I am of the South and for the South, that against any force from without the South would be a unit. About this time a returned Mexican volunteer came up, (he had been drinking evidently) and began to talk pretty loud. He said that if the rich folks got into a war about the negroes they might fight it out themselves. That when he volunteered to go to Mexico, a good many such men put their names down, and then took them off as soon as the Company was made up.

I replied that such might have been the case in some instances but that I thought that all classes did their part well in Mexico. I mention these circumstances because a report was put into circulation here a few days afterwards, that I had advocated abolition doctrines, that I had made a speech to the poor classes of citizens to inflame them against the rich, etc. As soon as I heard of this report I straightened it out as well as I could, and had it contradicted. Gov. Manly seems to have heard something of the kind, and perhaps others in Raleigh. Dr. Jones said that he would write to Gov. M. about it, and I asked him to say, that if his (Dr. J.'s) statement were not sufficient I would write Gov. M. a letter which he could use as he thought proper. After this the whole subject seemed to have been forgotten, until about three weeks ago when the Standard's first editorial on the subject appeared, and even that was little noticed, although I heard a student remark that it was directed at me. I had supposed it would go no farther until a week ago, the statement signed "An Alumnus" appeared. From the spirit manifested in that article I thought the Standard was bent on agitation, and as rumor would be busy with her thousand tongues, it would be better, and more honest to come out openly and avow my sentiments. That would at least prevent misrepresentation, and as I gave the reasons for my opinions, the reading public would only judge of their soundness.

I have not at any time endeavored to make converts to my doctrines among the students. Soon after the election I spoke to two of them (Mr. Cozart and Mr. Mullens) but only in answer to the question how as a Southerner I could oppose the extension of slavery into Kansas. There had been no excitement in College in relation to the matter until last Saturday night, and that was confined to a very small number of students. For about an hour and a half there were a good many students in the Campus, but soon after eleven o'clock they dispersed without any interference on the part of the Faculty. From various circumstances it is suspected that the preparations for

this "spontaneous" demonstration were sent up from Raleigh.

The opinion most current here is that the writer of the article signed "Alumnus" is Mr. Engelhardt of Raleigh. But I have no certain knowledge that he was the writer. At present the usual quiet prevails in College. In fact only a small part of the students have seen my article as there are but few copies of the Semi-Weekly Standard taken here.

I have no means of knowing in what light this matter will be viewed by the Trustees. But as it is an important one, to me at least, I hope they will give it a careful consideration before coming to a decision. I cannot see that my letter to the Standard involves in any way the opinions of other members of the Faculty, at least it should not.

Very respectfully your obedient servant,

B. S. HEDRICK.

His Excellency Thomas Bragg,

Gov. of State of North Carolina, Raleigh, N. C.,
President of the Board of Trustees of the University.

The matter by this time was one in which the whole state was interested and demands for Mr. Hedrick's resignation were general. Typical examples of these follow:

*Resolutions**

At a meeting of the citizens of Murfreesborough, N. C., on Monday, the 6th October, the following preamble and resolutions were unanimously adopted:

Whereas, We believe that a crisis in the history of our country is upon us, when it becomes the imperative duty of every patriot and friend of the University to be vigilant and watchful for the preservation of its integrity—and when we believe that "expressions favorable to black Republicanism in our midst, are incompatible with our honor and our safety as a people," and

Whereas, Principles and opinions subversive of and inimical to the true interests of our rights as a people are known to be entertained by Hedrick, a Professor in the University of North Carolina, and

Whereas, The said Hedrick has sought to give notoriety to the same, by a letter written by him, and published through the press, and believing, as we do, that such sentiments are deserving of the sternest rebuke and should meet with the honest indignation of every Union loving man, therefore, be it unanimously.

Resolved, That we, as citizens of Hertford county, in N. C., having sons for education at the University, feeling a deep interest in all that pertains to its welfare, feel it to be our imperative duty to express our opinions in regard to the course of the said Hedrick and of promptly denouncing the same.

Resolved, 2nd, That we believe that our safety requires that any one who is living in our midst, and known to entertain opinions and principles dangerous to our institutions, should be held up to the scorn and indignation of all parties and friends of the Union.

*Standard, October 11, 1856.

Resolved, 3rd, That the foregoing preamble and resolutions be published in the "Murfreesborough Gazette," and the "North Carolina Standard" and "Raleigh Signal" be requested to copy the same.

Mr. Hedrick of the University.

To the Editors of the Standard:

Gentlemen:—I read with astonishment and regret, in your paper of Saturday last, what was called "Prof. Hedrick's Defence." Astonishment and regret that a man who calls himself a Professor of the University, should so undervalue the reputation and interest of that institution as to advertise himself the advocate of the sentiments he avows, filling the station he does. These sentiments, avowed by one of the professors, will sink the institution—now grown to giant size, and still increasing—unless the Trustees forthwith expel that traitor to all Southern interests from the seat he now so unworthily fills. He should be ordered away as a foul stain upon the escutcheon of the University, to show to the country that the institution is a sanctuary from such vile pollutions. It is the business of the Executive Committee to act in his case, and to act promptly; and from the high character of the gentlemen who compose it, a good result may be expected. If this man must prattle treason, let him do it ineffectually, not as the agent of the Trustees, as he now is.

The Trustees of the University consist of sixty gentlemen, dispersed all over the State; and they are thus dispersed that they may have a wider range in advancing its interests. They have been selected by the General Assembly to manage the affairs of that institution, out of regard for their own high characters for learning, probity, and sound discretion; and the history of the University abundantly testifies to their success. And the Executive Committee have full power to transact all business of the Board of Trustees in their absence or recess. Be it said, however, as due to truth, and to the great credit of the Trustees, they have raised that institution from a poor estate to a high position; they have witnessed, under their superintending and anxious care, the education of some of the greatest men in the nation; and they see daily its benefits increasing, until it has become the great literary institution of the South, numbering upwards of four hundred students, sent by their friends to the guardianship of the Trustees and faculty. It is not, therefore, to be expected that the Trustees will fail to do their duty.

My name, if desired, will be given to Mr. Hedrick, who I do not dignify with the appellation of Professor, and who as a Trustee I repudiate, in the beginning of the great harm he has set out ungratefully to do that institution—his Alma Mater.

A TRUSTEE OF THE UNIVERSITY.

The Executive Committee met again on October 11. The following is the record of the meeting:

The Executive Committee met. Present: His Excellency, Gov. Gov. Bragg,¹ President; J. H. Bryan,² D. W. Courts,³ C. L. Hinton,⁴ B. F. Moore,⁵ R. M. Saunders.⁶

1. Thomas Bragg was born in 1810 and educated in Middletown, Conn. He practiced law with great success in North Carolina and was

The President laid before the Committee a political essay of Prof. B. S. Hedrick, published in the North Carolina Standard of the 4th instant together with sundry letters and papers relating thereto, whereupon.

Resolved, That the Executive Committee have seen with great regret the publication of Prof. Hedrick in the Standard of the 4th inst., because it violates the established usage of the University which forbids any Professor to become an agitator in the exciting politics of the day; and is well calculated to injure the prosperity and usefulness of the Institution.

Resolved, That the prompt action of a majority of the Faculty of the University on the 6th inst., meets with the cordial approbation of this Committee.

Resolved, That in the opinion of this Committee Mr. Hedrick has greatly, if not entirely destroyed his power to be of further benefit to the University in the Office which he now fills.

Committee adjourned.

also a member of the legislature for a number of terms. In 1854 he was elected governor and was re-elected in 1856. At the expiration of his term he was elected to the United States Senate where he served until the outbreak of the civil war. He was Attorney General of the Confederacy for a short time, resigning to return to the State. He died in 1872.

2. John H. Bryan was a prominent lawyer who had served in the legislature and had been a member of Congress for several terms.

3. Daniel W. Courts was a native of Virginia who was educated at the University of North Carolina, graduating in 1823. He had been a member of both houses of the State legislature, Consul to Matanzas, and was at this time State Treasurer. This office he had filled from 1836 to 1839, was re-elected in 1850 and served until 1862.

4. Charles L. Hinton graduated at the University of North Carolina in 1814. He served in both houses of the State Legislature and was State Treasurer from 1839 to 1850. He had also been secretary to the Board of Trustees of the University from 1847 to 1851.

5. Bartholomew Figures Moore was born in 1801 and graduated from the University of North Carolina in 1820. He had served frequently in the State Legislature and had been Attorney General of the State. He was one of the ablest members of the bar of the State and was of eminent character. He was one of the commissioners to revise the statute laws of the State. In 1861 he was opposed to secession and remained so throughout the war. He was the leading member of the convention of 1865-1866 and was one of the commission appointed to revise the statutes in regard to persons of color. This was done with a full recognition of the citizenship of the freedmen. He died in 1878.

6. Romulus M. Saunders was born in 1791. He was a student at the University for two years when he was expelled. He studied law under Hugh L. White of Tennessee and was admitted to the bar in that State. Returning to North Carolina he entered political life and was many times a member of the Legislature and was twice speaker of the House of Commons. He served in Congress from 1821 to 1827 and from 1841 to 1845. In 1828 he was elected Attorney General, in 1833 United States Commissioner on the French Spoilation Claims, in 1835 Judge of the Superior Courts, and in 1840 was the Democratic candidate for governor but was defeated. From 1846 to 1850 he was minister to Spain but resigned and returning to the State was elected to the House in 1850 and was by that legislature elected a Superior Court Judge, which position he filled until his death in 1867. He was a man of intense prejudices in whom political considerations were always of highest importance. He had the reputation in the State of being a candidate for every vacant office.

These resolutions were sent to the University to be laid before the Faculty but were not published.

The students of the University were much aroused and in

spite of the popularity which Mr. Hedrick had enjoyed made constant demonstrations against him. If no action had been taken elsewhere, it is scarcely to be doubted that they would have forced his resignation, so thoroughly were they excited.

The Northern press naturally did not allow so striking an incident to escape them. The following are examples of editorial comment:

Editorial in N. Y. Times, Tuesday, October 14, 1856.

A LIVE REPUBLICAN IN NORTH CAROLINA—The most remarkable letter that has been elicited by the present extraordinary political struggle is that of Professor Hedrick, of the University of North Carolina, which will be found elsewhere in our columns this morning. Professor Kedrick (*sic*) is a native of the State, and full of affection for the land of his birth; but he is thoroughly imbued with Republican sentiments, boldly avows his preference for Fremont, and appeals to Washington, Jefferson, Clay, and the honored fathers of the Republic, as the authors of the faith that is in him. There are a good many important facts in his letter, which will be read with profit at the North, as well as in the South. We have no doubt of there being thousands of similar men in the Southern states, who only lack an opportunity to proclaim their sentiments as boldly as this noble-minded patriot scholar has done, and his courageous example will not lack for followers. It is more than probable that the bold avowal of Republican sentiments by Professor Kedrick (*sic*) will cost him his professional chair in the University of North Carolina; and yet it seems scarcely credible that the Old North State will banish one of her own sons for avowing himself a disciple of Washington and Jefferson.

The letter of Professor Hedrick in the Times is introduced by the following paragraph:

Prof. B. S. Hedrick of the State University of North Carolina, has pronounced in favor of Fremont, and in consequence of that act has raised up bitter enemies, who denounce himself fiercely, and go so far as to demand his expulsion from the College, on the ground that his opinions render him unfit to be an instructor of youth. The Raleigh Standard (Buchanan) publishes a letter from the Professor, which is styled a "Defence" against certain articles in that paper ever the signature of "Alumnus." The letter gives a new view of the practical workings of Slavery. It is introduced by the Standard in the following manner: * * * [Here follows the Defence.]

Editorial in Tribune of Tuesday, October 14, 1856.

Notwithstanding the depotic rule of Jacobinical terrorism which just now holds fourteen states of this Union in the most abject servitude, it is not to be supposed that the fire of Liberty is entirely shut out at the South, or that the self-constituted thirty tyrants—be the number more or less—by which each one of those unhappy states is now governed, can long maintain their usurped authority. It is not credible that Washington, Henry, Jefferson, Madison, and the other patriots of the Revolution, can have left no descendants behind

them. We speak not now of inheritors of their blood, but of inheritors of their sentiments, their ardent love of Liberty for others as well as for themselves, and their sincere faith in the rights of man. Though silenced for the moment by the furious and bloodthirsty clamor for the perpetuation and extension of Slavery, and for the dissolution of the Union as a means to promote those ends—a means as hateful as the ends to which it is to serve are detestable—it is impossible that there should not be at the South a strong cohort of those who do not bow the knee to the Baal of Slavery, and who are wistfully watching for the restoration of the true and ancient worship of their fathers.

We in the North had, twenty years ago, a considerable dash of the same storm of insolent violence which comes down now with such tropical fury through the South—so heavy that scarce a friend of Freedom and Emancipation dares anywhere to show his head. We too had our mobs and self-constituted committees, which assailed the liberty of press and of speech, and which threatened and sometimes visited with personal violence those who ventured to avow opinions on the subject of Slavery not deemed orthodox. That attempt to suppress the freedom of opinion, though backed up by persons occupying the highest social and political positions—such as Edward Everett, for example, who, as Governor of Massachusetts, recommended legislative enactments to sustain it—proved a total failure; and many who at that time sympathized and even participated in it are now among the most strenuous opponents of any further concessions to the Slave Power.

It is true that this attempted usurpation never reached, here at the North, anything like the height (*sic*) of violence to which it has lately been carried in the Slave States. We have no recollection of any attempt ever made here to prevent the nomination and support of a Presidential ticket. In the midst of all the excitement of the Harrison campaign, the Liberty party, so called, was permitted freely to nominate and support a ticket of their own; and so afterward, in the great struggle between Clay and Polk, on which occasion the few thousand votes in this State drawn off from Clay by the Abolitionists gave New York to the Democratic party and secured the election of Polk. But if the friends of free political action in the South have a greater ferocity on the part of their opponents to encounter, so they must be supposed to have a much greater strength in themselves, both in regard to numbers and social position, than ever was the case with those here at the North who were made the objects of a similar violence. And they have, beside, another great advantage, in a powerful outside support. With the whole power of the Federal Government to sustain them in the vindication and exercise of their rights, in addition to the sympathy of the entire North, it is evident that they occupy an impregnable position; and the greater and more savage and depotic the violence which is now brought to bear upon them, the more speedy and decisive the reaction may be expected to be. He who contrasts the present political position of the North on the subject of Slavery with what it was twenty years ago, may find reasonable ground for anticipating that before many years Maryland, Virginia, Kentucky, North Carolina and other slave-holding states will revert again to the views of Washington and Jefferson, and instead

of throwing their whole political weight in favor of the extension of slavery into new Territories from which it has once been formally and solemnly excluded, will rather be inviting the aid and co-operation of the North, in some scheme by which, with due regard to the rights and interests of all parties, those states, instead of giving new extension to this curse, may be able to rid themselves of it.

That such ideas are not yet totally extinct at the South, that the crows have not yet succeeded in devouring all the good seed sown by the patriots of the Revolution, nor the great enemy of mankind in sowing tares enough entirely to choke out the wheat, is evident from a letter which we publish today, in which one of the professors of the University of North Carolina at Chapel Hill responds to an attack upon him by a Buchanan journal of that State as a Black Republican. If very few persons at the South have at this moment the intrepidity to confess, as Professor Hedrick does, their views on the subject of Slavery, it cannot be doubted that a large part of the best educated, most intelligent and most patriotic even of the slaveholders themselves fully sympathize with those views—a body of men to whom, in spite of the storm of Pro-Slavery fanaticism which now sweeps over the slaveholding states, we may look with hope for the return of those states to a better condition of intelligence and feeling, and for their ultimate deliverance from that terrible nightmare which hold them now in such a state at once of convulsive terror and paralytic helplessness.

The following correspondence is self-explanatory:

David L. Swain to Charles Manly.

Chapel Hill, 7 Oct., 1856.

My dear Sir:—Your note of the 4th by some oversight at the post-office did not reach me until yesterday morning and this morning brought me that of the 6th with Judge Saunder's letter enclosed.

Hedrick has the courage of a lion and the obstinacy of a mule. He can neither be frightened, coaxed nor persuaded in anything. He rarely asks advice and never follows it. He consulted me as to the propriety of replying to *Alumnus*, and entered into the contest in opposition to the most earnest remonstrances. He communicated his determination to reply and exhibited his reply itself to no one but his wife. He will sit in his tracks without moving a muscle, and I am not sure he does not covet the crown of martyrdom. Has the Executive Committee the power of demotion? It has, if it can be conferred by ordinance. But can the Board delegate the power of appointment and removal to a committee? If it can, is decapitation expedient? "If twere well when done, twere well, twere done quickly." As the call was not taken at the first hop, will it not be better, to bring the resolutions of the Faculty to bear upon him at the present, and postpone the exercise of supreme authority, until the election is over, and the Board in session?

If you award the crown of martyrdom, immediately, and Col. Fremont succeeds in the election, you make his fortune. He understands this too well to think for a moment of resignation. Sparing him at present will give the Freesoilers new strength at the South, while the charge of persecutions for opinion's sake, will add to the

tempest of excitement which is sweeping over the North. If you proceed to extremes, at once, I would avoid a political issue, and second the action taken by the Faculty, and approved by the Trustees, in the Arch-Bishop case—a violation of the usages of the institution, not as a freesooler, but as a partisan.

The accompanying correspondence, you may show to Judge Saunders, to remind him of my arraignment before the Board of Trustees, by our friend, John D. Hawkins, twenty years ago, for permitting the late Perrin Busbee to advocate a dissolution of the Union on the public stage. In the mutation of parties, no one knows when and what issues may arise, and freedom of speech on religious and political matters, must be restrained, if restrained at all, very skilfully.

The boys exhibited transparencies, hung and burnt in effigy Saturday night and again last night, but the affair was neither very noisy nor tempestuous, and the Faculty gave themselves no great trouble about it. Unless excited by foreign influences, I do not apprehend serious commotion.

Herrissee was, as I remember, permitted by the Secretary to append some remarks to his reason. He is a great admirer of Hedrick, and has I fear written something foolish or worse. If so, and you publish, as the appendage ought not to be read, strike it out, and suffer him to illuminate the benighted world in a separate article. If you think proper to do so, you may publish a history of the proceedings of the Faculty, in such a manner as you think most advisable without confining yourself to the record.

Let me know from day to day any thing that may be necessary to enlightened voters.

Yours sincerely,

D. L. SWAIN.

David L. Swain to Charles Manly.

Chapel Hill, 7 Oct., 1856.

My Dear Sir:—

If there were not much better lawyers members of the Executive Committee than I am, I might be tempted to enter upon an analysis of the Charter and subsequent acts of the General Assembly in relation to the University and endeavor to show that the Committee has no power to remove a Professor. As it is, upon the presumption that "the sparrow may perceive what the eagle overlooks," I may be pardoned for a few observations and inquiries.

The Executive Committee exists under an ordinance of the Trustees adopted 2nd January, 1856, consists of seven members of whom the Governor is one *ex-officio*, but not necessarily Chairman. I was President of the Board when the Committee first organized and declined the chair because I considered it incongruous for the Chairman of the Committee to rise at the annual meeting to present the report of the Committee to himself as President of the Board. Judge Cameron was the first Chairman and was succeeded by Gov. Dudley. The Executive Committee is a committee of seven clothed with extensive powers, but it is a committee simply, and not the *Board of Trustees*.

What are the powers of the Board in the Premises? By the 3rd section of the Charter (U. R. V. 426) the Trustees at a special meeting may "do any business except the appointment of a president, professor, etc.

The 7th section provides "that the Trustees shall have the power of appointing a president of the University and such professors and tutors as to them shall appear necessary and proper, whom they may remove for misbehaviour, inability, or neglect of duty." By the act of 1807 of 431, it is competent for seven Trustees to hold an annual meeting and appoint "a president pro-tempore, in case of the death, resignation, absence, or indisposition of the Governor."

The Board then at an annual meeting may appoint a professor, and the Board may remove him "for misbehaviour, inability, or neglect of duty."

Ordinarily the power of appointment and demotion are the same. The power of the President to remove an officer appointed by and with the consent of the Senate without the consent of the Senate, if it were *res integræ*, would be more than questionable.

The General Assembly has given no power of demotion to the Committee, but to a Board of Trustees particularly constituted and authorized to punish for specific causes, or set aside for inability.

If the Executive Committee have the power, they may dismiss "any professor or tutor for such cause as they deem sufficient" though he may have been appointed but ten days before at an annual meeting by the unanimous vote of a full Board of Trustees (65) and though but four members of the committee, may be in attendance, of whom the Governor need not be one. Can it be that the power is legitimately vested in these persons?

If the power is regarded as unquestionable, it seems to me the exercise of it may be forborne for many reasons when an annual meeting of the Board is so near at hand.

The occasion does not include the President of the University and as a Trustee, I may discuss this in common with all the questions in relation to the general concern of the institution with the same freedom as other members of the Board. I am moreover willing to be tried before the Executive Committee and will not plead to the jurisdiction of any tribunal organized under their auspices. I think moreover that it is exceedingly desirable that a committee should come up, examine the records and look narrowly into my department. I am satisfied that such an investigation will be of great benefit, and especially tend to strengthen my hands.

I have just received your kind note of yesterday and again tender my thanks for your repeated acts of kindness which I hope never to be able to repay because I hope it will never be your fortune to encounter such an ingrate. If it shall, I will be with you to the death. Dr. Mitchell has not yet returned. The New York Times published Hedrick's defence *in extenso* and pronounces it the most extraordinary letter that this excited contest has called forth and well calculated to interest and instruct, both at the North and the South. The Tribune of the same date (Tuesday) also contains it, with half a column of commentary.

A professor must be removed not arbitrarily or capriciously for mere difference of opinion, in religion or politics, which the Com-

mittee may deem sufficient, but for "misbehaviour, inability, or neglect of duty." Hedrick may be very properly arraigned for misbehaviour in departing from our established usages, and this should be the only count in the impeachment.

Yours very sincerely,

D. L. SWAIN.

Gov. Manly.

B. S. Hedrick to Charles Manly.

Chapel Hill, Oct. 8, 1856.

Gov. Manly:

Dear Sir:—I wrote to Gov. Bragg day before yesterday. Mentioned to him a conversation which I had with Dr. Jones of this place a short time after you were here. Dr. Jones had stated to another friend of mine that a report was in circulation which would injure me. I therefore called to see him about it. I found that the report alluded to was a very exaggerated statement of what I had said at a certain time. I frankly told Dr. Jones what my views of the subject in question were, and contracted* what had given offence to some of my neighbors. I also learned from Dr. Jones that you had heard the same report which had attracted his attention. Dr. Jones said that he intended to write to you in a few days, and that he would mention the matter to you. I also asked him to say to you if what he (Dr. Jones) had said were not sufficient, I would write you a letter which you might use as you thought proper.

I supposed that Dr. Jones had written, until yesterday, when I met him and asked him about it. He said the matter had slipped his memory at the time, and that afterward the whole subject seemed to have been forgotten and it never occurred to him again. He said however that he remembered perfectly well what I said to him about it. So that if Gov. Bragg mentions this part of my letter to you, if you think necessary, please give the explanation above.

I have written this for fear a misapprehension might arise.

Yours respectfully and truly,

B. S. HEDRICK.

*Contradicted?

Charles Manly to David Lowrie Swain.

Raleigh, Oct. 8, 1856.

My dear Governor:

I received yesterday your note and a copy of the Faculty's proceedings in relation to Prof. Hedrick. Upon consultation with Gov. Bragg and Messrs. Courts and Bryan, all that relating to Bishop Hughes was expunged and the residue sent to the Standard for publication.

The Governor also handed me a letter which he had received from Hedrick in explanation and exculpation of himself and letting him know that he was a good Democrat and had voted the Democratic ticket in August last.

Your suggestions are good and were approved by those gentlemen above named. Nothing will be done with him till after the election. If he does not resign the Board will take him up next winter and cut his head "clean off" but so as not to suffer the blood of martyrdom for opinion's sake to decorate and adorn his garments.

He will be driven off as unworthy to hold an office in an institution whose usages and practices he has so grossly and injuriously violated.

The Executive Committee will meet again on Saturday next (11th) by which time I shall hope to have the Faculty's answer to the "Red Republican" and the copy of the Journal which he complains of.

I am, Dear Sir,

Very truly yours,

CHAS. MANLY.

Dr. Wheat has withdrawn his notice of resignation, but I suppose you know that, of course.

There is a report on the street that the students intend to tar and feather Hedrick. I hope and trust they will do no such thing. Their indignation meetings, burning in effigy, etc., is a sufficient demonstration. It would be dishonorable and cowardly to do him personal violence. It would be undignified and disgraceful to get up a College row and tumult. They would thereby injure themselves and no one else.

Mr. Hedrick, as has been seen from his "Defence", was not the sort of man to allow matters to drift without an effort to save himself. The following able letter shows clearly his point of view and its soundness:

B. S. Hedrick to Charles Manly.

Chapel Hill, Oct. 14, 1856.

Dear Sir:

I am glad that the Executive Committee did not yield to a popular clamor and remove me from my station here. For I believe that if I can have a full and fair hearing before the Trustees, the answer implied in the resolutions which you passed will be found to be more than my offence merited, though as matters now stand it was as little as I could expect.

No one more than myself acknowledges the justness and propriety of the usage which prohibits members of the faculty from agitating topics relating to party politics. But there are times when it seems the usage may be disregarded. In fact about eight years ago one of the ablest and most learned professors in the University thought it incumbent upon himself to define his position upon the slavery question. But the principal circumstances which I would plead in extenuation of this breach of well known usage is the manner in which I was attacked. If members of the Faculty have their hands tied they should be shielded from assault. I am a citizen of the State, a native if there is any merit in that, and have always endeavored to be a faithful law abiding member of the community. But all at once I am

assailed as an outlaw, a traitor, as a person fit to be driven from the State by mob violence, one whom every good citizen was bound to cast out by fair means or foul. This was more than I could bear. It seemed to me that I ought to resent it as a tyrannical interference with the rights of private opinion. So that in judging my case, it will be necessary to bear in mind the gross insults contained in "the charges brought against me in the Standard." What I had said here about voting for Fremont amounted to almost nothing, as no one expected an attempt to form an electoral ticket would be made. In fact I heard an influential citizen say that he would vote for Fremont himself if he thought that the electing him would bring about a dissolution of the Union, whilst I would vote for him to make the Union stronger.

But the state of the case which comes home to the Trustees more directly than any other is the influence of my course will have upon the prosperity of the University. My own opinion is that if the newspapers will let the matter rest it will soon be forgotten. The election will soon be over, one of the candidates will probably be elected, and the others will soon cease to be talked of. What I said about slavery is neither fanatical, incendiary nor inflammatory. I have never held abolitionist views. If my reasons for keeping the increase of the slave population at home are good, of course no one will blame me for setting them forth. If my reasons are unsound I have erred in a question upon which there has always been, and probably always will be, an honest difference of opinion among thinking men. It is only a short time since I saw an article in a Virginia paper denouncing Professor Bledsoe of the University of Virginia, because he admitted in his book on Liberty and Slavery, that the interests and prosperity of the Territories where slavery does not exist, might be best advanced by excluding it. But for that opinion he was not treated as an outlaw, nor any attempt made to drive him from his Chair.

But I am not disposed to find fault with the action of the Trustees. Some of the newspapers are pretending that I am only wishing to be dismissed in order to attain to profitable martyrdom. If I were base enough to resort to such a miserable trick my denying the charge would go for nothing. I do not believe however that any such charge will be made by anyone at all acquainted with the circumstances which placed me in my present position. I had not sought the election from the Trustees, and yet the appointment was most acceptable to me. When I graduated I took a subordinate position in one of the Scientific offices of the General Government, a place not at all subject to the proscriptions of party. My services were so far acceptable that I was promoted at the end of the first year, and at the time I resigned my position my salary was equal to that offered me by the Trustees. It was against the advice of some of my best friends that I made the exchange. I have always acted on the principle that a good citizen will serve his native State in preference to any other. And I thought the situation offered me by the Trustees was one in which I might find honorable and useful employment, and at the same time do something for the good of my native State. Whether my labors here have been successful I will leave for others to determine. In coming here I sacrificed all other prospects. I have been here only long enough to begin to take root, and to be driven out now when I have just fairly started seems hard. But I will not ask anything unreasonable from

the Trustees. It is well known that my chair does not belong to the regular Academic course. My students are, first, those who enter for a scientific course. Of these I have had fourteen during the present session. Second, the regular academic students are during the Senior year permitted to substitute studies in my department for the regular course. Forty-four students have during this session "elected" studies in my department. If any one therefore is afraid for his son to recite to me, he has but to say that he wishes for him to take the "old course" in the Senior year.

As I said before, I believe that all the trouble about politics will soon pass over. If it does not and it is apparent that my usefulness is lost or greatly impaired I will not ask to be retained any longer. The "scientific school" is a venture in which I have staked a great deal, and therefore respectfully ask that whatever final action the Board may take that they would act with caution and deliberation. For my own part I am sorry that I have been the occasion of trouble to the Committee. But I hope that when they come to know me better they will find me to be one not deserving to be driven from the State by hue and cry.

Very respectfully,

Your obedient servant,

B. S. HEDRICK.

Hon. Charles Manly,

Sec. of the Board of Trustees
of the University of N. C.

The pressure upon the Trustees grew from day to day and finally became so great that on October 18, the Executive Committee met again. The action taken by them was in excess of their legal powers as can be seen from the letter of President Swain quoted above.

The following is the record of the meeting:

Raleigh, October 18, 1856.

Executive Committee met. Present: His Excellency, Gov. Bragg, Pres.; John H. Bryan, Dan. W. Courts, Charles L. Hinton, Bat. F. Moore, R. M. Saunders.

Judge Saunders presented the following resolutions which were read and adopted:

Whereas, Professor B. S. Hedrick seems disposed to respect neither the opinions of the Faculty nor the Trustees of the University but persists in retaining his situation to the manifest injury of the University.

Resolved, That for the causes set forth by this Committee on the 11th inst., he, the said Benj. S. Hedrick, be and is hereby dismissed as a Professor in the University and the Professorship which he now fills is hereby declared to be vacant.

Resolved, That he be paid his full salary to the close of the present session.

Resolved, That the Secretary notify him of this decision.

* * * * *

Committee adjourned.

The result was communicated to President Swain by Charles Manly in the following letter:

Charles Manly to David Lowrie Swain.

Raleigh, Oct. 18, 1856.

My dear Governor:

I send you herewith a copy of Minutes of Executive Committee of this day

* * * * *
As to Hedrick, he is beheaded. I read your letter to the Committee on their power to dismiss. But to no purpose. The "outside pressure" was too great. Sundry letters had come up from Trustees (from Col. Steele among others) a public meeting held (I think) in Murfreesboro and the Southern press all demanding his instant removal, the Committee determined to take the responsibility. Saundar's Reson. was a long and violent one, mixed up with politics; we finally got it down to what it is. Moreover, it was stated that certain students who were here during the Fair declared that the danger of a College riot was imminent; that they were only waiting to see what the Executive Committee would do; and if they passed it over that violence and bloodshed would ensue. I placed very little confidence myself in this story.

Please notify Mr. Hedrick of the decision.

* * * * *

Yours truly,

CHAS. MANLY.

Hon. D. L. Swain, Chapel Hill.

The *Standard's* comment was as follows:

Mr. Hedrick.—We learn that at a meeting of the Executive Committee of the Board of Trustees of the University of North Carolina, held on Saturday last, it was resolved that Mr. Hedrick has ceased to be useful as a professor in the University; and the Secretary was directed to inform him of the fact. It is expected that, as a matter of course, he will at once resign. Should he refuse to do so, however, we have no doubt he will be removed.

*Mr. Hedrick Dismissed.**

We learn that at a meeting of the Executive Committee of the Board of Trustees, held at the Governor's office on Saturday last, Mr. Hedrick was unanimously dismissed from his place as a professor in the University of this State.

We make this announcement with much gratification, though we felt sure from the first that such would be the action of the Executive Committee.

We have received a number of communications on the subject, and several from the Trustees of the University, the publication of which has been rendered unnecessary by this action of the Committee.

Mr. Black Republican Hedrick may now turn for consolation and support to his abolition brethren of the free States. His whole conduct in this matter has been not only in direct opposition to the best interests of the University, but it is marked with the grossest ingratitude; and he has shown, by holding on to his place after he had been notified that his usefulness was gone, that he is insensible to those impulses

*Standard, October 22, 1856.

and considerations which never fail to operate on a high-toned and honorable man. Informed that he had ceased to be useful, he begged for time, and at last had to be dismissed! Mr. Hedrick, we believe, is a beneficiary of the University; and he was sent to Cambridge on a salary, and sustained there while acquiring and perfecting his knowledge in Agricultural Chemistry. Warmed into life on the hearthstone of the University, the viper turned upon his Alma Mater and upon the State of his nativity with his envenomed fangs. But he has been cast out, and is now powerless for evil. If the abolitionists should take him up, the history of his conduct here will follow him; and they will know, as he will feel, that they have received to their bosom a dangerous, but congenial and ungrateful thing.

Later press comments are interesting:

*For the Register**

Mr. Editor:—In that delectable sheet, the Raleigh Standard, of the 8th of October, we find the following paragraph in reference to the letter of Prof. Hedrick, of the University of North Carolina, on his preference for Mr. Fremont for the Presidency. I will not attempt a justification of the position of the mutton-headed Professor on the subject of the Presidency; far be it from me. If I were to venture an opinion on the subject, it would be that the Professor evinced more zeal than judgment on the subject, and that the Lunatic Asylum might become a fit receptacle for all such characters, if, upon examination, they should be found to be monomaniacs on the subject of the Presidency.

And judging from the dictatorial tone of the great Mogul of public opinion, as expressed in the North Carolina Standard, I would not be surprised if the astute Editor himself was not a little demented on the same subject.

But to the paragraph in question: "We," says the Standard man, "adhere to our opinion recently expressed in the Standard. The expression of Black Republicanism in our midst is incompatible with our honor or safety as a people; that no man is a fit or safe instructor of our young men who even inclines to Fremont or Black Republicanism."

Not content with an expression of opinion, as he had a right to on that subject, and let it pass for what it was worth before the public; but the august personage presumes to dictate to the Trustees of the University their duty. For, says he, "we take it for granted that Professor Hedrick will be promptly removed." What consummate presumption! What arrogance, that W. W. Holden and Co., the smallest of the small of the race of gentlemen, should presume to dictate to a body of honorable, high-minded gentlemen, in an official capacity as Trustees of the University, their duty in reference to a matter that would be too low a stoop for a scavenger to condescend to. If Professor Hedrick is a gentleman and finds his presence or opinions are obnoxious either to the Professors, with whom he is associated, or to the Trustees of the University, he will forthwith resign. But for the Trustees to be called upon to ostracise a man for the expression of an honest opinion is more than ever entered the head of any gentlemen of liberal views, who appreciates honesty either in word, thought or deed; and that, too, simply because the unfortunate Professor savours a little or too much (as the Standard man supposes) of Abolitionism. Now, let me

*Raleigh Register, October 22, 1856.

ask, in all sincerity, what is the difference between teaching the same principle under different names if the effect when produced, is the same, whether it be under Fremontism or Buchananism. That Fremont is a wool-dyed Democrat abolitionist none will deny, and if I can prove from the political record of James Buchanan that he entertains views and opinions as obnoxious to the institutions of the South, the stability and perpetuity of this Union, Professor Hedrick at least will have the gratification to know that he is not alone in his views, on this vexed question. Let us now appeal to the law and the testimony in establishing the guilt or innocence of the Democratic party and Mr. Buchanan, their candidate for the Presidency.

Middle Creek, Johnston Co., Oct. 17, 1856.

*Mr. Hedrick Again.**

We are informed by a friend, who deeply regrets and strongly disapproves Mr. Hedrick's conduct, that we are mistaken in our belief, expressed in our last, that he was a beneficiary of the University. We learn that he was in early life an apprentice to the trade of a brick-mason; and that his father, having given him his choice of an education or his portion of his estate at his death, he chose an education, and thus paid his own way at the University. We learn also, that while at Cambridge he was sustained, not by the University, but by an office bestowed upon him by Gov. Graham, Secretary of the Navy at the time.

We make these corrections cheerfully, as certainly we have no disposition to do injustice to, or to trample on, a prostrate adversary. His punishment is great enough, without the aggravation of unjust accusations.

Some of the Know Nothing presses have referred to the fact that Mr. Hedrick was a Democrat. We knew that he had voted in August last for the Democratic ticket; and he has been for some time a subscriber to our semi-weekly paper. But what of that? Party is but "as small dust in the balance" when weighed against the honor and vital interests of North Carolina. He professed to be a Democrat; for Democracy maintains the equal rights of the State in the common Territories, and is the only great barrier in the way of the triumph of black Republicanism.

Not the very least of the evils connected with Mr. Hedrick's conduct, was the dragging before the public a body of men—his associate Professors—to whom publicity is distasteful and unpleasant, if obtained elsewhere than in the pulpit and lecture room. He was solemnly admonished that he had no right to do this; yet here, as elsewhere, advice was disregarded. Nevertheless, the University has not been injured. On the contrary, it has been strengthened, if possible, in the confidence and respect of the Trustees and of the people of the State—strengthened, by the prompt action of the Faculty and of the Executive Committee. We say this as a citizen of the State and as a friend of the University—not as its champion or peculiar defender, for far be it from us to thrust ourselves forward in any other capacity than that of a friend to it, interested alike with all the people of the State in maintaining its high character, and in laboring, as best we may, to widen and enlarge the sphere of its usefulness. What we have done in this matter has been done solely from convictions of public duty; and these latter remarks are submitted, not as the result of suggestions from any

*Standard, October 29, 1856.

quarter—for none have been made—but in justice to ourselves and to the course we have deemed it our duty to pursue.

*Mr. Hedrick.**

Mr. Hedrick, it seems, attended the State Educational Convention at Salisbury; but he was soon given to understand that his presence there would not be tolerated. The Salisbury Watchman says:

"Professor Hedrick was also in attendance on the first night of the Convention. He had been appointed by the *senatus consultus* of our University before his very extraordinary demonstration in politics. His appearance there was very embarrassing to many of the assemblage, and it is probable that some expression of disapprobation would have been called for if he had again attended the sessions; but a small crowd of beardless patriots took the thing in hand and saved the Convention all trouble on that score. By dint of a stuffed effigy, made of rags, which they hung before the door of the building, bedizzened with significant inscriptions, and by dint of cow-bells, tin-pans, and muttered threats of further visitations, this simpleton of a Professor, between the going down of the sun and the rising thereof, had quite absquated; or as one of his own Fresh would be apt to say, "Abitt, excesitt, evasit, erupit."

The Salisbury Herald says:

"No sooner had the Convention assembled in the Presbyterian Church, on Tuesday night, than a rumor got afloat among the outsiders that Professor Hedrick, of the N. C. University, was in the Convention, either as a regularly drafted or as a volunteered delegate from the University. Crowds flocked in and around the door for the purpose of beholding the grim visage of the man who dared, on Carolina's soil, to publicly announce himself in favor of Fremont. Many a long and eager look was taken before a way was made for the next advancing corps, while ever and anon, some stripling who had never read the Standard, would worm his way into the thickest of the ranks, and call aloud to some older and wiser friend to point out to him John C. Fremont. Hedrick was soon known to all the elders,—the Juniors gazed as they supposed, upon Fremont, and thought he was "a dreadful little man to be the President." Meanwhile the cries of "Hedrick," "Fremont," and other expressions evinced that all was not right, and he began to conceal his face partly by the aid of his cloak, and manifest other not less symptoms of alarm. What were his feelings and his agony we know not; but leave him muffled in his cloak, listening to the call of the roll and the organization of the Convention, while we describe the outdoor arrangements.

"Near the centre of the street facing the door of the said Church, an effigy was raised in honor of the Professor, and they named it Hedrick. In front of the effigy was a transparency bearing the inscription—Hedrick, leave or tar and feathers. So soon as the Convention was adjourned it was set on fire; and being composed of very combustible material, well saturated with spirits of turpentine, it required but a few moments to tell the sad tale of its ethereal and everlasting departure from this howling wilderness. Three groans for Hedrick, and all was over—the effigy was gone. He was followed by the crowd, some two or three hundred in number, to the house in which he lodged,

*Standard, November 1, 1856.

where he was serenaded in "Calithumpian style." Three groans were ever and anon repeated, and the Professor ordered to leave without delay, or be subjected to an application of "juice of the pine and the hair of the goose." But for a faithful promise on the part of the Professor such would have been his lot. But before sunrise he was gone, we suppose never more to return. May our town never be visited with such another manifestation of indignation on the part of the citizens of the town and county. The circumstances and its origin are the more remarkable from the fact, that the Professor was raised in this community, and that his father is now a citizen of this county. We pity the man for his indiscretion and folly for having laid himself liable to the public indignation of those who were once his neighbors and friends."

We learn that Mr. Hedrick passed through this City on Thursday last, on his way North.

*Mr. Hedrick Once More.**

In an article on the dismissal of Prof. Hedrick published in the Standard of the 22d inst., the writer says: "Mr. Hedrick, we believe, is a beneficiary of the University, and he was sent to Cambridge on a salary, and sustained there while perfecting his knowledge in agricultural chemistry;" and on the strength of these statements, Mr. Hedrick is charged with "the grossest ingratitude." The writer of that article was doubtless misinformed. The statements, above quoted, are not true, and the charge of "ingratitude" therefore fails. Enough indeed, has been said of late against Mr. Hedrick to make it unnecessary to employ allegations of doubtful, or of no authority.

The fact is that Mr. Hedrick was never in any sense "a beneficiary of the University." All his College bills, from the beginning to the end of his College life, were duly paid by his father. The University has not, and has never had any claim on him on that score, other than it has on all who have ever enjoyed the advantages of an education there. Neither was he "sent to Cambridge on a salary" by the University, as is implied, or by any person connected with it. The facts are these: that about the time when Mr. Hedrick was graduated, the President of the University received from the then Secretary of the Navy a suggestion that a subordinate place in one of the scientific bureaus, connected with his department, was then vacant, and asking if there was among the recent graduates a good mathematician, competent to fill it. Mr. Hedrick received the nomination of the Faculty, and was appointed by the department, and ordered to reside in Cambridge. During the whole time of his residence there, he was supported by the salary which he earned from the U. S. government, and never received a dollar from the treasury of the University until he had actually entered on the discharge of his duties there, as Professor of Agricultural Chemistry. It may be added that the salary which he received at Cambridge was precisely the same as the one offered him when he was called to Chapel Hill, so that he could have hoped to gain by the change nothing more than the pleasure of making his home in his native State.

The writer of these lines is in a condition to know the truth of the matters whereof he affirms, and could easily demonstrate it to one

*Standard, November 5, 1856.

who would take a little trouble in the investigation. He may be allowed to express the hope that those who are inclined to speak or think ill of Mr. Hedrick, will do so only on clear evidence, and after some examination.

The above communication was received in time, and should have appeared in our last, but was unavoidably crowded out. It is from a highly respectable source, and we cheerfully insert it.

A writer in the last Register, after correcting some of the mistakes into which the Standard had fallen, and which the Standard itself had promptly corrected says:

"It is due to the Standard to say that in its last issue the two above statements are withdrawn, but it also contains allegations which are no less erroneous."

"Mr. Hedrick never was in early life nor at any time, an apprentice to the trade of a brick-mason or of any other trade.

"His father never gave him his choice of an education or his portion of his estate at his death."

It is due to the Standard to state, that the "allegations" here characterized as "erroneous" were made on unquestionable authority; which authority could be given, if at all necessary. They were made as a portion of the matter, the publication of which we deemed an act of justice to Mr. Hedrick—but surely they are most material statements. They amount to nothing if he had been apprenticed "to the trade of a brick-mason," and had learned and followed that trade. He might have been saved from the perils of that "much learning," and from that contact with abolitionism at Cambridge, which in his case has certainly produced "madness." But true men have gone through that contact, and have come out of it pure gold, because their hearts were right, and because they regarded the obligations of a Constitutional Union, and not the claims of sectionalism and the promptings of a sickly sentimentality. Our correspondent "An Alumnus," was at Cambridge, if we are not mistaken, when Judge Loring, one of the professors in the College, was removed by an abolition Legislature for having acted as United States' Commissioner, under a Constitutional law—the fugitive-slave law; and he forthwith left the institution and returned home, on account of that high-handed measure in relation to Judge Loring.

But we have no disposition to dwell upon this matter; nor is it our wish to do any man injustice. We have already been chided by some of our friends, for allowing Mr. Hedrick a hearing in our columns. But he was called out by our correspondent—he was struck—he spoke for himself, and as he spoke no sedition, we gave him a hearing. On strict principles of justice as between man and man, we did right; but we knew, furthermore, that if refused a hearing here, he would have gone into Northern Journals, and a great cry would have been raised that the South had denied him freedom of speech. As it is, he was removed from his place, as we understand it, not because he had avowed himself for a geographical, disunion candidate for the Presidency, but because, having taken part publicly in politics, he had ceased to be useful as a Professor; and this part in politics he took by the publication of his so-called "Defence" in the Standard. That publication, therefore, was the cause of his removal.

Our correspondent expresses the "hope that those who are inclined to speak or think ill of Mr. Hedrick, will do so only on clear evidence,

and after some examination." We concur with him. We thought we had "clear evidence"—but when informed to the contrary, we were prompt to make the correction. That was all we could do. We are not only "inclined to speak ill" of Mr. Hedrick, but we denounce him as an enemy to North Carolina, to the Union of the States, and to the best hopes of man. We have aided to *magnify* him somewhat in the public eye, but that was one of the unavoidable incidents, and not the object. Our object was to rid the University and the State of an avowed Fremont man; and we have succeeded. And we now say, after due consideration, but with no purpose to make any special application of the remark, that no man who is avowedly for John C. Fremont for President, ought to be allowed to breathe the air or to tread the soil of North Carolina.

While on this subject, we make the following extract from a letter recently received from one of the most intelligent and substantial gentlemen of Eastern Carolina, written before he had heard of Mr. Hedrick's removal:

"The people of our State and of the South owe you a debt of gratitude, for bringing to public notice the abolition principles of one of our Professors at the University, Mr. Hedrick. The admirable manner in which you have handled him—giving him a hearing without stopping to argue with him, and then holding him up to public contempt and scorn—will doubtless meet the approbation of every patron of the institution. You assure your readers that he will be removed, if he does not resign. I hope this may be the case. If, however, he does not leave the College, I shall feel it to be my duty to withdraw my son, at the close of the present session, from any contact with the foul pollution."

*Mr. Black Republican Hedrick.**

This person, we understand, was in this city on Thursday last.

The press of the State has, with one voice, condemned his conduct, and expressed a wish for his dismissal. The abolition press of the free States is rejoicing over his treason to his section and to the Constitution.

The last Wilmington Commercial says:

"The press of this State is making quite a 'lion' of one Mr. Hedrick, a teacher in our University, who has owned himself a black republican. There is a disputation about whether he was a democrat or not in former times. This question is of no importance. What he is now is the inquiry, and he is certainly neither a democrat nor a whig. We do not see what can be done, unless the Faculty choose to send the fellow about his business as a mischief maker in a small way, and let him take up his bed and board with the northern enemies of the South and her institutions."

Mr. Hedrick took his dismissal in a manly fashion as is indicated by the two letters which follow:

B. S. Hedrick to Charles Manly.

Chapel Hill, Oct. 28, 1856.

Gov. Manly,

Dear Sir:—Accompanying this I send you a letter which I wrote be-

*Weekly North Carolina Standard, October 22, 1856.

fore visiting you in Raleigh. I believe that I mentioned to you the fact that I had written it; certainly I mentioned it to some of the Board. When I came home from the Fair it was too late to send it during that week, and the speedy action of your Committee left no place for it afterwards. I send it to you now and for your private reading, and as giving me an opportunity to thank you for the uniform kindness you have always shown me. I would send it to the Committee as I at first intended, but for fear that it might come to Holden and thus give him another opportunity of accusing me of "begging."

By Holden's having access to everything the Committee did, your first resolutions came to me in pretty much this shape, "Resign or be damned," and that is what Holden calls occupying a "delicate position!" very delicate indeed!! Something like giving you a delicate hint to leave by kicking you down stairs. I am sorry some members of your Board have such fine perception of delicacy.

I thank you again for all your kindness. You helped cut off my head but I know you made the blow fall as light as you could.

Truly and sincerely yours,

B. S. HEDRICK.

B. S. Hedrick to Charles Manly.

New York City, March 21, 1857.

Dear Sir:

Before the Executive Committee voted to turn me out of the University Gov. Swain wrote to them quite a long letter, in the shape of a legal opinion, in which he argued (and I think proved) that the Executive Committee had no power to remove any professor, such power belonging only to the trustees, and only to be exercised at the annual meeting. Now, although this letter of Gov. S's was altogether powerless with the Committee, still as part of the proceedings I wish to keep correct copy—in fact it is due to Gov. S. that he should stand correct on the record when the history of that disgraceful affair is written. And I think I also have a claim to its possession. There are a few other "documents" that I would be glad to have, but fear that I am already troubling you too much.

With high regards and many thanks for your uniform kindness,
I am

Yours truly,

B. S. HEDRICK.

Hon. Chas. Manly, Raleigh, N. C.

This request was refused by Manly as is shown by the endorsement upon the letter in his writing. From the same source it is learned that the Trustees at their meeting of January 5, 1857 confirmed the action of the Executive Committee.

Mr. Hedrick bore no malice against his colleagues and seems to have realized that even the Trustees could scarcely have avoided their action. Nor was his devotion to his native State

altered. But his opposition to slavery was greatly strengthened and he left the State with a hatred of Mr. Holden that was undying.

Remaining in the North for a few months, he returned to the State early in 1857 for a short stay. He then went to New York City where he obtained a clerkship in the Mayor's office. He also employed himself with lecturing and teaching. In 1861 he became an examiner in the Patent Office, as chief of the division of chemistry, metallurgy, and electricity. Later he was general chemical examiner. *Here* he was successful in instituting a number of needed reforms.

In 1865 Mr. Hedrick was very close to President Johnson and was active in attempting to secure the speedy restoration of North Carolina to the Union. He believed that negro suffrage would be demanded by the North and was very anxious that the State should accept it as gracefully and speedily as possible for reasons of policy. In other respects he was in full accord with the dominant sentiment in the State. He was a close friend of Governor Jonathan Worth and his activity in behalf of the State during Worth's administration was unceasing as is shown by their correspondence.

The foregoing incident shows very plainly the effect of slavery upon free thought and free speech. Mr. Hedrick was a martyr for opinion's sake, though without any desire to occupy that position. Under existing circumstances, it was inevitable that his dismissal should take place, and, accepting conditions, the Trustees could scarcely be blamed for terminating his connection with the University. As Dr. Charles Phillips, a great friend of Hedrick said, "I take it as an axiom that when we wish to work for the people for the people's good, we are bound to consider their characteristics and not arouse their prejudices unnecessary, else they won't let us work for them." But his summary dismissal by the Executive Committee, without legal authority was unwarranted and is a fit cause for condemnation.

Time has proved that Mr. Hedrick's view of slavery was cor-

rect and it is a cause for congratulation that its abolition put an end to the possibility of such persecution for opinion's sake, and has enabled the State and the University to recognize the worth and merit of a worthy son.

J. G. de Roulhac Hamilton

THE UNIVERSITY OF NORTH CAROLINA.

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CONTENTS

Bartlett Yancey

The Political and Professional Career of Bartlett Yancey

Letters to Bartlett Yancey

CHAPEL HILL, N. C.
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2

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PREFATORY NOTE.

In this issue of the Sprunt Publications appears a contribution from Superintendent George A. Anderson of Caswell county which will be of interest to all students of North Carolina biography. Of few of the distinguished men of the State has so little been known as of Bartlett Yancey. Mr. Anderson has for a number of years been industriously collecting material bearing upon Vancey's private life and has kindly consented to allow the editors to use his manuscript. A short sketch of Yancey's political career, by one of the editors, follows, serving as an introduction to the hitherto unpublished letters which make up the rest of the volume. The letters are from the collections of the North Carolina Historical Society and have a double value in that they are illustrative of the regard in which he was held by his contemporaries, and also contain much material of interest concerning the State and National politics of the period.

BARTLETT YANCEY.

BY GEORGE A. ANDERSON,
Superintendent of Schools,
Caswell County, N. C.

BARTLETT YANCEY.

John H. Wheeler, in his History of North Carolina, makes this statement: "Few counties can present citizens whose services are entitled to more respect, and whose devotion to the welfare of the State was more sincere than Caswell." This was written at a time when Caswell county was rich in great men, and there can be no doubt that the greatest of them up to that period was Bartlett Yancey.

Yancey's public career extends over a large part of the history of the State and Nation and in this sketch it is not proposed to touch upon that phase of his life other than in an incidental way, but to write of that side of his life of which little has been given out to the world. It is to be regretted that but little of Yancey's career in early life, his untiring struggle against circumstances and poverty, is known to the student of history. The story of it all would read like a romance and would be a splendid demonstration of the fact that perseverance and well-developed intellect and character will surely lead their possessor, round by round, up the ladder of fame.

Bartlett Yancey, on his paternal side, was of Welsh extraction. An early ancestor was an Episcopal minister, ordained by the Archbishop of Canterbury. Three of his sons, Louis, Henry, and Richard, emigrated from England to America, but when is not known to the family. Henry and Richard Yancey settled in Virginia and became citizens of usefulness and influence. Louis Yancey located in Granville county, North Carolina and his son, Bartlett Yancey, Sr., moved to Caswell, then a part of Orange Orange county, about 1760, and there married Miss Nancy Graves who was in every respect an exceptional woman. She was not only of great beauty of person, but was also possessed of a fine character of great strength and was consequently destined to influence in a marked degree the character and destinies of her children.

From this union came Bartlett Yancey, Jr., who was born on February 19th, 1785 at the old Yancey homestead, six miles south of the county seat, now called in his honor, Yanceyville. In this connection, it will doubtless be of interest to state that the father of Bartlett Yancey was a semi-invalid, unable to do manual labor, who managed to eke out a modest living for his growing family by teaching a country school. There is a story of this old patriot and his wife which strikingly illustrates the indomitable spirit of the Yanceys. When he heard the noise of the cannon at the battle of Guilford Court house, his patriotic fervor impelled him to order his servant to put him on a horse, and with sword and crutches he made ready for a journey to the scene of the battle. His wife, realizing his utter physical unfitness for such a strenuous undertaking, caught hold of the bridle and held the horse until she convinced her husband that he could do no good by going and possibly would imperil his life uselessly.

Bartlett Yancey, Jr., was a posthumous child, his father having died in the October preceding his birth in February 1785. Mrs. Yancey was left widowed with nine children, Bartlett being the tenth. The State owes much to this good woman who by her thrift and patient industry reared and trained this large family into useful citizenship. Bartlett, the baby, was the pride of the home. He was of a clinging and affectionate disposition and when the climax of his childhood was reached and it was decided that he must enter the neighborhood school some distance from his home, the little fellow rebelled against the idea, but at length yielded to the wishes of his sisters. That first day at school marked an epoch in his life and the whole course of his being was changed by the day's experience which filled his childish heart with the very acme of delight and no doubt was the beginning of the creation of those mighty ideals, which in after life made him the father of the public school system of North Carolina, and of the development of an intellectual genius which added a name to North Carolina's list of immortals.

In those days, educational advantages were of the most limited nature, and besides the Yancey family was compelled to fight the stubborn "battle for bread." Through the long summer months

Bartlett Yancey toiled with all his childish strength upon his mother's farm, doing his part in providing for the family's needs and in winter, with uncomplaining patience and steady resolve, he trudged, a shambling little figure, over the "old red hills of Caswell" to the humble log school house, learning there the lessons of duty and honor and truth. At the age of fifteen he had outstripped his teacher in knowledge and we next find him, at his neighbors' request, teaching the school himself. He taught for a year, carefully saving every possible penny of his meagre salary, and this enabled him to attend school another year. Mr. Shaw, who was principal of the Academy at the county-seat, being impressed with the manly and intelligent bearing of young Yancey, tendered him the position of assistant teacher which was cheerfully accepted and this arrangement was continued for two years. Yancey, in the meantime, was diligently studying Latin and Mathematics under the tutorship of Mr. Shaw. The latter then resigned his position as head of the school and the assistant was elected in his stead with a salary fixed at \$200 per year. He filled the position with marked success for two years, practicing all the while the most rigid economy. It was the dream and determination of his life to enter the University of North Carolina, and this resolve caused him to make every possible sacrifice of personal comfort in order that he might husband the meagre resources which would enable him to consummate the absorbing ambition of his life. In carrying out this resolve, he met with his first great cross; his mother interposed the most violent opposition. It is a matter of well founded tradition that between his mother and himself there existed a most beautiful affection, and in after years, when Yancey had become a man of wealth and power, his old mother found in the heart and home of her son a place of honor and repose and in the sacred precincts of his home this Roman Cornelia of Caswell county gave out her expiring breath and passed to her reward.

Her words on the occasion when he expressed his intention to attend the University have fortunately been preserved. She said, "Bartlett you must not go there! I have never known a young man to enter that institution who was ever of any account

afterwards." Yancey was unshaken in his purpose and replied, "Mother, it pains me more than I can say to disobey you, but I feel it best for me to go and I am going." She then told him, if you must go, you will have to walk and carry your saddle bags on your back for you shall not ride one of my horses." His only reply was the simple words, "Mother, I can do it." His brother-in-law, John Graves, overheard the conversation and kindly offered the loan of a horse, and accompanied him to Chapel Hill in order to bring it back.

His first year at the University was a revelation and no boy was ever more studious and no student ever made greater or more persistent application to his studies. He walked home* at vacation time, carrying his saddle bags on his shoulders and the summer found him actively engaged in the accustomed work of his mother's farm. When the fall term opened, his mother again interposed her objections, but in despite of these, he went back and his second year's work at the University disclosed in a marked degree a rare intellectual development. During this period, he became acquainted with Judge Archibald D. Murphey and arranged to take up the study of law under his tutorage. Here again Yancey met with opposition from his mother, for she held the profession of law in great detestation and in attempting to dissuade him from his purpose, said, "Why Bartlett, lawyers are the greatest rascals on earth and surely you do not intend to become one of them." But when she realized that her son felt truly that his life work lay in this direction, she consented to it and advised him with all the womanly wisdom of her maternal heart. He had a loyal and unfailing friend in his older brother, James Yancey who loaned him the necessary money to equip himself for his chosen profession. He went to Judge Murphey's home and took up his legal studies with the same persistent diligence which he had displayed at the University. He procured his license and "hung out his shingle" at the county seat.

Before he actually began the practice of law, the greatest event of his life, as he often expressed it, occurred. He won the love

*The distance is approximately forty miles.—EDITOR.

of one of the most beautiful women of Caswell, his first cousin, Miss Nancy Graves and they were married on December 8, 1808. Miss Graves was a finished product of the most aristocratic life of Caswell and at a time when Caswell was one of the most aristocratic of counties. Her portrait has been carefully preserved and in the queenly beauty of her face—the rare beauty of the old fashioned days of Southern womanhood—is seen the reflex of that wonderful beauty of heart and intellect which helped her to shape the destiny of her husband and give him his place in North Carolina history. They began their married life in a humble little log cabin, but it was happier than a palace.

Yancey's first attendance in court as a lawyer was in Rockingham county and the court proved to be a briefless one. He left home Monday morning and returned Wednesday; he was compelled to return that early for the reason that he was unable to secure clients and had paid out his last penny for hotel accommodations. The following week the Person county court was in session and he remained there the entire term. When he got back on Saturday night, he quietly entered his humble home and threw a roll of bills into his wife's lap, saying, "Nancy I have been quite successful this week." This was the beginning of his fortune. His popularity increased with great rapidity; his rare legal attainments, his unfailing common sense and his convincing eloquence made him everywhere in demand as an advocate. He was soon able to repay all of his indebtedness and build for himself and his family a model sweet old-fashioned country home. A volume could be written about this home and the unstinted hospitality there dispensed. It was the social center of the aristocratic life of Caswell and some of the greatest men of the State and nation often visited there as honored guests. Mrs. Yancey ruled there like a queen, and with becoming modesty and grace, ministered to the wants of the poor and needy while entertaining the rich and the great. Yancey's most intimate personal friend was the great Nathaniel Macon, the last of the Romans, and in that country home they studied together the far-reaching economic problems of the nation.

Yancey possessed a rare eloquence and almost marvellous personal magnetism. Quinten Anderson, who was his associate in the General Assembly of North Carolina, in speaking of this eloquence, declared "It was as sweet as that music which was wafted from the lyre of Orpheus as floated down the Hebrus to the sea." He possessed in a high degree that rare power of holding the friendship of men and this quality is forcibly illustrated by the following incident. On one occasion, an opponent of his uttered some derogatory remarks concerning him in the presence and at the home of Mr. Littleton Gwynn. Mr. Gwynn calmly but firmly then said, "you must desist, sir. I have never violated the rules of hospitality, but the unsullied name of Bartlett Yancey shall not be disparaged under my roof tree."

Yancey was elected to Congress in 1813 and served four years. It is an interesting fact that his opponent in this election was his old teacher, Judge Murphey. After the election Judge Murphey wrote him a most courteous letter of congratulation in which he said: "I did not think when I was teaching you law that I was cutting a stick to break my own head." Yancey's popularity in this county was wonderful and in this election he received every vote cast in Caswell but three and these three men were tarred, feathered and burnt in effigy. He served four years in Congress and then declined a re-election for the reason that his growing family and personal affairs required his presence at home. His record in Congress is a matter of history and is so well known that it is needless to touch upon it in this personal sketch. However, it will not be out of place to state that a most intimate political and personal friendship existed between him and John Quincy Adams, later president of the United States, Nathaniel Macon, and Henry Clay. While the latter was Speaker of the House of Representatives, he is said to have often called Yancey to the chair and we are told by an early historian that "he did not suffer by comparison with that distinguished gentleman, Mr. Clay, who as a speaker still stands unrivalled. Combining with great energy and quickness, an astuteness of mind, his bland and elegant manners rendered him peculiarly fitted for this station."

Nathaniel Macon was intensely interested in Yancey and frequently visited him at his Caswell home. There are still alive many traditions of their friendship and companionship. Macon was a man of the most intense conservatism, while Yancey was thoroughly imbued with the idea of progress. Macon seemed to fear that his friend would be carried away after new policies and in 1818 he wrote a most earnest letter to him in which the following remarkable language is used: "Be not deceived; I speak soberly in the fear of God, and the love of the constitution. Let not love of improvement, or a thirst for glory blind that sober discretion and sound sense, with which the Lord has blessed you. Paul was not more anxious concerning Timothy than I am for you; * * * * * Remember that you belong to a meek State and a just people who want nothing but to enjoy the fruits of their labor honestly."

He became a member of the State Senate in 1817 and served as presiding officer of that body continuously until 1827. His rare courtesy, thorough knowledge of parliamentary law and usages, quick perception of intricate questions, and his great love of fair play made him, perhaps, the most popular presiding officer that the state has ever known. His name is closely connected with all of the many reforms which were then sweeping the State. Referring to his great usefulness, Wheeler says, "the present Supreme Court system, the order and regularity of the Treasury and Comptroller's departments of the State, and the various acts regulating the Internal Improvement of the State, and many other public measures received an impulse and support from him that secured their success." Possibly, his greatest claim to fame rests upon the fact that it was due to his statesmanship and wisdom that an educational fund was created which was the beginning of the great public school system of the State. In those days Caswell was rich in great men and among his associates at home and in the General Assembly were Romulus M. Saunders, Bedford Brown, Quinten Anderson, James Rainey, James Yancey, John Lewis, Charles Donoho, and Littleton Gwynn.

In 1826 President John Quincy Adams tendered to Yancey who was now a political opponent, the appointment as minister

to Peru. Yancey took the matter under advisement and quite an extensive correspondent was carried on between him and Henry Clay, who was then Secretary of State, relative to the matter, but the appointment was eventually declined. In 1818 he was appointed by Governor John Branch a judge of the Superior Courts, but declined it. He gave as his reasons for the refusal that he did not "choose to hold any office unless it was an elective one."

He died on the 30th of August, 1828, after an illness of eight days. He was in attendance upon court in the town of Greensboro and was the attorney for the plaintiff in the famous breach of promise case of Sallie Linden vs. Martin. The case lasted an entire week and Yancey was very active. It is said that his speech before the jury was a magnificent effort, ranking with the best efforts of the greatest lawyers of the State. It was late Saturday evening when the jury brought in a verdict in favor of his client, and the close of the case found him utterly exhausted from his great exertions. He went to his room at the hotel and, as the weather was excessively warm, raised the windows, threw himself across the bed, and was soon fast asleep. He awoke about day, experiencing a severe chill. In spite of his friends' advice, he was determined to attempt the trip home and ordering his horse, drove home, a distance of fifty-two miles, reaching there at ten o'clock that night. He grew rapidly worse, hour after hour, until the end came. His great mind was clear until the last enabling him to call his wife to his side to receive instructions about the future management of his estate and the training of the seven little ones. And thus soothed and sustained by an unfaltering trust, the mighty soul of Bartlett Yancey crossed the "great divide" to join with the spirits of the good and the true and the wise on the other shore.

THE POLITICAL AND PROFESSIONAL
CAREER OF BARTLETT YANCEY.

By J. G. DE ROULHAC HAMILTON.

THE POLITICAL AND PROFESSIONAL CAREER OF BARTLETT YANCEY.

In 1812 Bartlett Yancey was elected to Congress as a member of the Republican party and as one of the group known as "War Hawks." He took his seat on June 3rd, 1813, and in a rather surprising short time, judging by standards of to-day, took quite a prominent position. In a letter written about the time of Yancey's death, Judge Nash said:

"In a short time after he had been in the practice of the law the district in which he resided chose him as its representative in the Congress of the United States, and here he took a high and distinguished station. His practical talents soon brought him forward and placed him at the head of one of the most important committees of the House of Representatives. This station he continued to occupy while a member of the House. But in a few years he was admonished that, however alluring the path of political life might be, it did not lead in this country to wealth, and that the time had not arrived to him when justice to his family would permit him to devote himself to the general politics of the country. He resigned his seat in Congress, returned to the discharge of his professional duties, and never I believe, in this country did more abundant success crown the efforts of any individual."

His first speech was made on June 19th on Webster's resolution concerning the French decrees. He had already voted for their consideration and a few days later he voted for the entire series, claiming that he did so in defense of the administration. He was heart and soul for war with England and as a member of the committee on foreign relations he had, even though a new number, more than an ordinary opportunity for exerting influence. His war feeling was evidenced in July by his vote against the reception by Congress of the protest against the war which was adopted and sent to Congress by the legislature of Massachusetts.

At his second session he was placed on the committee of claims

of which Stevenson Archer of Maryland was chairman, and at the third session when Archer became chairman of the ways and means committee, Yancey succeeded him as chairman of the committee of claims. He retained this position during the next Congress.

During his Congressional career Yancey made many warm friends and became a well known figure in American politics. With Clay and Calhoun he was on particularly intimate terms and the friendship with the latter lasted until the end of Yancey's life. In 1824, Calhoun was his choice for President and Crawford occupied only a second place until Calhoun decided not to be a candidate. Nathaniel Macon was an old and valued friend and adviser, but Yancey frequently differed with him and voted on the opposite side. In general, however, he was in close agreement with him, though entirely independent. Tradition has it that he frequently, at the request of Clay, filled the Speaker's chair in the House and that in that position, he displayed great ability. Certainly his later career as the presiding officer of a legislative body would indicate much valuable experience.

As has been seen, at the end of his second term of service in Congress Yancey declined re-election. The chief reason for this action was the necessity of devoting all his time to the practice of his profession. Members of Congress were paid only \$6 per day during his first session and \$1,500 per annum during his second, and this was entirely inadequate for the needs of his growing family.* The question of salary also influenced him in declining Governor Branch's tender to him in 1818 of a position on the Superior Court bench. He was rapidly rising to the head of the legal profession and in respect to this it is well to quote Judge Nash once more:

"It is now, I think, twenty years or more since my acquaintance

*Yancey's family consisted of two sons and five daughters. They were as follows: Rufus Augustus, who graduated from the University and died unmarried; Algernon Sidney, who never married; Frances, who married Dr. Henry McAden; Mary, who married Giles Mebane; Ann, who married Thomas J. Womack; Carolina, who married Lemuel Mebane; and Virginia, who married George W. Swepson. There are many descendants living.

with Mr. Yancey began. He was then just entered into the profession, young, unknown and poor; but by steady attention to business and rigorous prosecution of his profession he soon built up for himself both a name and a fortune. Though at the time of his death still a young man, we have all known him long as a high minded, honorable man and lawyer. If by some he was excelled in the powers of reasoning, and by others in the graces of oratory, by none was he surpassed in that plain, practical good sense which rendered him eminently successful as a lawyer."

Speaking of him before a jury Judge Nash said:

"He was a most energetic and powerful debater. Blessed with a manly person, an observant and active mind, a well-regulated and harmonious voice, there was a resistless impetuosity and vehemence in his efforts that bore down like an avalanche every opposition."

Although the call of his profession kept him out of national politics, it did not interfere with participation in State affairs, and in 1817 Yancey consented to serve his county in the State Senate where he remained until 1827. At his first term he was unanimously chosen speaker and held that position by successive unanimous elections until his retirement from the legislature. He was most popular as presiding officer and was soon regarded as the safest and ablest man in State politics. To quote Judge Nash still once more:

"As speaker of the senate Bartlett Yancey was in his appropriate sphere. Nature had in a peculiar manner fitted him for the station. Dignified in his appearance, he filled the chair with grace; prompt to decide, little time was lost in debating questions referred to the speaker; energetic in enforcing order, the most unruly became obedient; fair, candid and impartial, all were satisfied—so entirely so that from the period of his first election no effort was once made to disturb his possession of the chair. Even those who in other respects differed from and opposed him admitted that as a speaker he was without reproach. But it was not alone as speaker of the senate that Mr. Yancey as legislator was useful to his native State. He was too sound a politician not to perceive the true policy of the State. Ardently attached to

the land of his birth, his constant effort was to elevate her in the moral and political scale. Whenever a measure was brought before the legislature which in his estimation had these objects in view, he fearlessly threw himself and all the weight of his character into the ranks of its friends, and with as full contempt of consequence he never failed to frown upon and oppose all those wild measures of misrule which have from time to time agitated the legislature of our State."

Although not in national politics, Yancey never lost interest in national affairs, but was very active in all campaigns and through his vast correspondence kept in touch with public sentiment in Washington and in the different States. He was without doubt consciously in training for the wider service, the higher honors which seemed to await him but which he was never destined to enjoy, but in the meantime with all the force of his tireless energy and great ability, he devoted himself to the cause of his State.

He was prominent in nearly all the important movements of his time. To him is due much of the credit for the final establishment of the supreme court system; probably more than any other one man, he secured the reorganization of the treasury department of the State; he was the loyal and devoted friend of internal improvements by State and—in opposition to his friend Macon—by national aid; and he divides with his preceptor, Murphy, the honor due for the establishment of North Carolina's first system of public education. Nor was this all. His county was rather inclined towards eastern sentiment in the sectional struggle which then convulsed the State. The system of representation in the General Assembly was hopelessly bad and entirely unfair to the West. Yancey was above all things fair and on all occasions urged that justice be done and the reform secured. Two great conventions were held in Raleigh to protest against the existing conditions and Yancey was the most prominent and active of the members of the first which was held in 1822. The next met in 1823 and Yancey was called to the chair as its president. Twelve years passed before reform was secured, but Yan-

cey's name was not forgotten by the section whose cause he had espoused and five years after his death a new western county, carved from Burke and Buncombe, was named in his honor.

As the years passed it became very evident that Yancey would soon receive an election to the United States Senate. This was known to be his ambition, and without question he would have succeeded John Branch, who resigned to enter President Jackson's cabinet, but his end came on August 30, 1828, and left only the possibility of fancy as to what his later career might have been, a fancy not hard to form in the light of his earlier life.

LETTERS TO BARTLETT YANCEY

LETTERS TO BARTLETT YANCEY

*From John J. Inge*¹

Raleigh, 24th Nov., 1819.

Honbl. B. Yancey, Esq.,

Sir:—

Your note of yesterday was handed me by Col. Robards. I do not profess to be skilled in anything like etiquette or the fashionable formalities of the day: nor did I conceive that you would desire a strict adherence to either; otherwise I should have definitely stated in my first communication those remarks which appeared to me to be exceptionable, or perhaps, I might not have written at all, without first having a personal interview with you.

There were two objections, however, to adopting the latter course. The first was, I discovered my feelings to be too much irritated and was fearful they might lead me to err. The second that if I had called on you personally to inform me whether you intended your remarks personally to apply to me, and you had informed me that you did not, still this explanation would have been insufficient, for tho' sufficient to satisfy me as to the correctness of your intention, yet those who were present when the remarks were made would know nothing of the explanation which had been given. If you will state to me in writing generally that you had no intention of insulting my feelings, or if you will state it verbally to the gentlemen present on the evening when the remarks were made, I should feel perfectly satisfied. I have no choice to either mode. If Sir, I had by any expressions unintentionally have given a wound to your feelings, I should not hesitate. Indeed I should take a singular pleasure in giving you

¹John J. Inge was a lawyer of Granville county who was a member of the legislature in 1815 and 1816.

any explanation which you might require and I should consider it due to myself to do so.

I will now endeavor to state according to the impressions on my mind the observations alluded to and the remarks which produced them. In the course of our conversation on the banks I was insisting on the necessity of enforcing specie payments, and advanced as a reason the situation of a number of citizens in that section of the State to which I belong, namely that they had dealt considerably with the country merchants, that their accounts had been closed by bonds and these bonds had fell into the hands of the Petersburg merchants in discharge of the debts of the country merchants, that suits had been commenced on these bonds, that the Virginia merchants required the current discount if paid in No. C. money and gave instructions to that effect. That the banks would refuse to redeem their notes either with Virginia or U. S. notes which would be received at par, or specie, the loss consequently fell upon the citizens thus circumstanced and they thereby placed in the power of merciless creditors. These are as I understand them in substance the remarks used by me, to which you hastily replied as I understood you, "that any lawyer who would obey such instructions ought to have his ears cut off." In the course of conversation I had previously observed that I had received the No. C. money at 15.12½ and 8 per cent discount according to the instructions which I received, therefore as I understood you I could place but one construction on your observations. Perhaps I may have misunderstood you, I hope I have. This you alone can determine.

I cannot close my remarks without stating that I considered myself bound to adopt the course which I have taken. I have felt no disposition to misinterpret anything which you have said or done, and the same remarks used under the same circumstances by my most intimate friend would call from me the same course of conduct. I hope I have not acted improperly, if I have it has been undesignedly. I have cautiously endeavored to avoid any expression which I thought might be considered improper. After the remarks, if you intended nothing by the observations

here related, I hope you will say so. If you did intend anything I know you have Independence enough to state it regardless of consequences.

With due considerations of Respect,

I am etc., etc.,

JNO. J. INGE.

From John J. Inge.

Raleigh, 24th Nov., 1819.

Honbl. B. Yancey, Esq.,

Sir:

Your letter of this morning was handed to me by Mr. Sanders and I am truly gratified to say that you have given me all the satisfaction which I had a right to expect, and I can with candor say that I am truly sorry for the temporary misunderstanding which took place. The observation about discharging the committee as well as I understand first originated with Gov. Branch and the sentiment was afterwards reiterated by myself.

At the time of making the observation it did not once occur to me that the duty of appointing the committee devolved on you. I only intended to convey this meaning, that although the committee should propose and report measures against the conduct of the banks yet I did not believe the legislature would carry their propositions into effect or concur with their report, and I take a pleasure in this as well as I should on every other occasion to state that I believe you to be utterly incapable of any motives incompatible with honorable principles or the station which you fill. I am glad to say that I shall leave you in the same spirit of friendship with which I met you.

Very Respectfully,

Your fd. and obt. Servant,

JNO. J. INGE,

From Stevenson Archer¹

Capitol, Feb. 23d, 1820.

Dear Yancey:

You will find from the reception of this that I am at the old stand, occupied at the unpleasant business of legislation, when perhaps you had expected that I had been quietly seated down in the woods of Alabama mingling in my occupations the dispensation of justice with the culture of her prairies and the prostration of her forests. In my visit to that region of our country I was delighted with the fertility of many portions, and with the benignity of its climate, and should unquestionably have have finally taken up my abode there, if I could have disposed of my property in Maryland, but all my efforts to effect this object were ineffectual and not being able to go without this disposition, I have been fixed perhaps for life to the soil of my nativity.

I am pleased to find that you are taking an elevated political stand in Carolina. Go on and prosper.

We are literally doing nothing here, or rather worse than nothing. The Missouri question for the several weeks last past has occupied both branches of the legislature, and while I am now addressing you, a *yankee*² is on the floor making a most *moving* speech, declaring against slavery and all its interests. In truth the discussion of this matter has been of the most alarming character to the people of the Southern and Western States.

¹ Stevenson Archer was a native of Maryland and had a very distinguished career. He was a graduate of Princeton and soon after he began the practice of law he was made a judge of the Court of Appeals. He was a member of Congress from 1811 to 1817 and from 1819 to 1821. He was chairman of the committee of claims in 1813 when Yancey was a member of the committee and a warm friendship was formed between them. In 1814 he became chairman of the committee of ways and means. From 1817 to 1819 he was United States judge of the Mississippi Territory and from 1845 until his death in 1848 was chief justice of Maryland.

² The reference is to Henry W. Edwards, of Connecticut, who was a member of Congress from 1819 to 1823, United States Senator from 1823 to 1827, member of the State legislature from 1828 to 1830, and governor in 1833 and from 1835 to 1838.

These *yankee folks* have a *sort of notion* that they can emancipate our slaves and have pretty broadly hinted at the practicability and expediency of such a measure. But I *guess* they will scarcely ever venture seriously to attempt the measure. The agitation of this question has created great warmth and excitement here: one would suppose from the storm which has been blowing here that the whole nation was in a ferment. Are your good people tranquil? I hope so. When the streams become polluted we must resort to the fountain of all power to restore its purity. I have no idea that either Maine or Missouri will be admitted into the Union at the present session. They will, I think, both fall in a disagreement of the two houses, and thus the excitement created at the present session will be doubly increased by the next.

Wishing you health, prosperous fortune, and political eminence, permit me to say now,

Sincerely I am your friend,

STEVENSON ARCHER.

Bartlett Yancey, Esq.

From William Gaston¹

Raleigh, July 15th, 1821.

My dear Sir:

As you will probably be a member of the General Assembly at the next session, permit me to call your attention to a subject on which a little legislation may be useful. In the Act of 1782 establishing Courts of Equity it is provided that matters of fact which shall come *in issue* between the parties shall be determined by a jury in the presence of the Court. A difference of construction leading to a difference in practice has arisen upon this provision of the law. The Judges in the Supreme Court asked the Bar for their opinion on the question whether a Jury must pass upon *every fact* on which the parties do not agree in the Bill and Answer, as being a fact in issue—or whether a Jury in the presence of the Court were to try those issues which the Court proceeding according to the uses of Chancery might direct, instead of their

¹William Gaston of New Bern, later associate justice of the Supreme Court.

being tried in a law Court as had been the case before the passage of the law. Mr. Mordecai¹ thought every part of the Defendant's answer was put in issue by the Complainant's replication, and all the allegations in Complainant's bill were to be deemed in issue which Defendant's answer did not admit. Mr. Henderson² and myself thought the Act prescribed a different mode of trying issues of fact than had theretofore prevailed, but left the making of issues of fact where it had been before in cases where the Conscience of the Chancellor required information. Mr. Seawell³ said he had sometimes entertained one opinion, sometimes another, and he was then unable to say which opinion predominated. The Court have hitherto deemed it safest to have issues in every case. This practice is very inconvenient and exceedingly at variance with the nature and spirit of a Court of Equity. Where there is one great question of fact, or a few great questions of fact, controverted between the parties, there is no difficulty in making an issue or two and impanelling a Jury to try them, but in the complicated and multifarious matters which a Chancery suit sometimes involves to have the matter broken up into fifty issues, and to have a dozen squabbles as to the wording of these issues and to task the patience of the Court to explain them to the Jury—then to dispute about the admissibility of the testimony as to some issues and its inadmissibility upon others—and ultimately to have the finding of the Jury set aside because of their not comprehending the subject,—is anything but decorous and useful. As there is a prospect of getting all our Chancery suits determined (provided the enemies of the Supreme Court⁴ do not succeed in their meditated ven-

¹Moses Mordecai, of Raleigh, a very distinguished lawyer. He was born in New York in 1785, but was educated in North Carolina and spent the rest of his life there. He died in 1824.

²Archibald Henderson, of Rowan, one of the State's most eminent lawyers and most distinguished men. He was a federalist in politics and as such served several terms in Congress and in the General Assembly. He died in 1822.

³Henry Seawell, of Wake county, three times a judge of the Superior Courts of North Carolina.

⁴At this time and for some years thereafter, there was much feeling in the State against the Supreme Court and it was not at all certain that it would not be abolished. This letter is illuminating as to the nature of part of the opposition.

gence) a short explanatory Act of Assembly might remove such inconvenience. It might enact that all issues of fact in every matter of equitable cognisance should be tried by a Jury in the presence of the Court having cognisance thereof, and that issues of fact should be made up at the discretion of the Court and according to the usages of Chancery to satisfy the conscience of the Chancellor concerning doubts as to facts. (See 2 Mad. 364.) I submit the subject entirely to your judgment.

The Supreme Court has its enemies to encounter, and I think has much to apprehend from their hostility at the next session. The plan will be I think to make a mob court of it by getting the Ct. Judges on it and thus destroying its most valuable feature, its perfect separation from the tribunals whose decisions it revises. Daniel¹ is busy about Halifax. He can't bear that his adjudications should be reversed, and he fancies *himself* competent to sit in judgment on the opinions of all men. Seawell is a candidate for the Assembly in Wake and will probably be chosen. Henderson, Sanders,² Iredell³ will not be in the next session. There will not be a man from our section of the State who can render the Court any effectual aid. In the meantime Murphy⁴ and Ruffin⁵ have failed as they ought to publish the reports. There seems to be an evil genius that tries to thwart anything that is attempted for the increased reputation and prosperity of the State. If the enemies of the Court can not put the Circuit Judges *there*, they will try to bring down the Judges of the Sup. Court to the Circuits. It will be enough if they can make a break thro' the dam—the waters will soon demolish it entirely. I leave this shortly on a visit to my children near Washington, and return for the fall circuit. You have my best wishes, and I beg you to be assured of my regard.

WILL. GASTON.

¹Joseph J. Daniel, of Halifax, a judge of the Superior Courts until 1832 when he became a justice of the Supreme Court.

²The reference is to Romulus M. Saunders, of Caswell county.

³James Iredell, of Chowan, was a soldier in the war of 1812, judge of the Superior Courts, speaker of the House of Commons, governor, and United States Senator before he was forty years of age.

⁴Archibald D. Murphey, of Orange, reporter of the Supreme Court.

⁵Thomas Ruffin, of Orange, who was evidently associated with Judge Ruffin in preparing the reports.

From William Gaston.

Newbern, Nov. 5th, 1821.

My dear Sir:

Your obliging letter of the 25th of September came to hand while I was on the circuit and unable to find leisure to answer it. The recommendation which you give of Mr. Harrison has with me and I am sure will have with every member of the board, every effect which Mr. Harrison can desire. Should however the vacancy occur which is alluded to the Board will probably give the appointment to one of the present officers at this place whose merit is personally known to them and who would be glad to receive the appointment.

My attention has been strongly and favorably drawn to certain resolutions on the subject of an Appropriation of public lands to the purposes of education which passed the Legislature of Maryland last winter. The interest which No. Ca. has in the scheme is very important and the scheme must succeed if the Atlantic States will be but true to themselves. It is substantially just. Equality is the highest equity. The public funds when distributed should be distributed for the good of all. I take the liberty of sending you a pamphlet publication on the subject which was transmitted to me by Mr. Maxey¹ with whom the plan originated. I wish that you may regard the matter in the same light that I do.

In the 15th Section of the Act establishing the Courts of the U. States there is an admirable provision with respect to parties being compelled to produce books in evidence which I should like to see incorporated into our system of jurisprudence. Everything that has a tendency to bring out fully the merits of a case when under judicial examination is very desirable.—now unless the party *will* produce the books, in nine cases out of ten evidence of their contents is not to be had.—See 2 Philips, 337.—The provision which I took the liberty of suggesting in a former letter about trying

¹Virgil Maxey was a native of Massachusetts, but removed to Maryland, where he was a member of each house of the legislature. Later he was Solicitor of the United States Treasury and for a time was *charge d'affaires* to Belgium. He was killed by the explosion of the gun on the Princeton which killed Mr. Upshur, the Secretary of State, and a number of others.

disputed facts in Chancery ought to apply in all Chancery proceedings whether in County, Superior, or Supreme Courts.

I wish you a pleasant legislative session and hope that it will be beneficial to the State. Yours respectfully and affectionately,

WILL. GASTON.

From Thomas Ruffin.¹

Raleigh, July 2nd, 1822.

Dear Yancey:

The sale of Rose's Property will be made on Monday next to a certainty I expect. I shall attend myself and hope the sale will be closed as I have had trouble enough about it, God knows, and can't think of taking more on me, if avoidable.

I should be exceeding glad to see you there and beg that you will not disappoint me. I have many things to say to you—to communicate some facts and to interchange opinions upon other points. The Republicans must rouse themselves. The public mind must be enlightened; else the Cause and the Country will go down. There is a powerful combination formed and forming against us. Don't fail to be at Person. I have no time to say more.

Yours truly,

THOMAS RUFFIN.

N B. Come early in the day, so that we may have a long talk. I shall be obliged to get home Monday night so as to leave again on Tuesday.

From Romulus M. Saunders.²

Washington, Dec. 20, 1822.

Dear Sir:

I have duly received your favor of the 16th instant, and shall

Thomas Ruffin, later chief justice of North Carolina.

²Romulus M. Saunders of Caswell county, for many years one of the most influential political leaders in the State. During his career he probably held more offices than any other man who has lived in North Carolina. He was always a candidate for any vacant office and Mr. Badger when asked who would succeed to the bishopric of North Carolina after the defection of Bishop Ives replied that he did not know but he was certain that Judge Saunders would be a candidate for it.

direct this to Raleigh under the expectation of its reaching there before your adjournment. I regret much the result of the Senatorial election.¹ I knew that every engine which ambition and the wildly arts of faction could invent would be brought to bear against you. Yet I had flattered myself that there would be found enough in the Legislature who regarded the true character of the State, not to be carried off by improper insinuations. Stokes² on his arrival here stated that he had directed the withdrawal of his name provided no election took place on the fifth balloting, but I cannot say whether he did so or not. It behooves us however to submit to these things with the best possible grace. There were many opposed to you *secretly* whom you did not suspect.

I should be very sorry for the character of the State if the Legislature should give in to any wild projects for a new bank, or take any improper steps towards those in existence to gratify the malignant feelings of a few individuals. I must hope for better things. I suppose you will adjourn in the course of next week.

Nothing has transpired here since my last. We have had one or two debates in the House, the one on the occupying of Columbia river the most important. It will not now pass though it is likely that it will in the course of time. Everything is going on harmoniously. Our speaker³ seeks every occasion to ingratiate himself with the Northern members particularly those who are re-elected. He is (*inter nos*) tho' a man of talents, rather a vain and popularity hunting kind of a fellow. With public men I begin to think there is but seldom to be found much of the virtue of sincerity.

You will have seen from the papers that Clay has been nominated by Kentucky and Missouri. He is to make a bold finish. The Kentuckians here say they will cheerfully support Crawford

¹John Branch was elected United States Senator over Montford Stokes, the sitting member, and Yancey.

²Montford Stokes, of Rowan, United States Senator from 1817 to 1823 and governor of the State in 1823.

³Philip Pendleton Barbour, of Virginia.

if they cannot get Clay. Adams has given him a severe *dig*—his letter was a kind of vacillating one and he deserved what he has received.

I hear from home that things are going on well—the times at Milton pretty brisk—market full of every thing. I understand from Petersburg that they are more in want of money than they have been for several years. [*Line here illegible.*]

Colonel Rusten desires his respects to you and says he imagines you now begin to [*Word here illegible*] B, as he always has, but he says to you as you once said to him on a former occasion, you must bear it. I shall again write you as any thing may appear.

Very respectfully,

R. M. SAUNDERS.

I have prevailed on the Post Master to continue the Stage twice a week from Warrens to Milton. The Southern route he has not yet determined on. Adieu.

From Lewis Williams.¹

Washington, November 30th, 1823.

Dear Sir:

This evening I was informed by a gentleman who has the best opportunities of information that the vote of New York is beyond all doubt settled for Mr. Crawford. In confidence I can state that there is a firm determination with the Legislature elect to secure an undivided suffrage in New York for Mr. Crawford. You need not apprehend therefore any change to his prejudice in that quarter.

We are likely to have an unpleasant contest for Speaker between Barbour² and Clay. This election will not turn on the Presiden-

¹Lewis Williams, of Surry county, who was a member of Congress from 1815 until his death in 1842. On account of his long service he was called "The Father of the House."

²Philip P. Barbour, of Virginia, who was a member of the House from 1815 to 1825. He was speaker of the house in the 17th Congress. Williams' fears of a bitter contest were groundless, for Barbour received only forty-two votes, Clay obtaining one hundred and thirty-seven.

tial question in the least degree, for many of Crawford's friends will vote Clay. But the papers devoted to the army candidate will no doubt assert that the election of our Speaker is decisive of the relative standing of the different competitors for the presidency. I feel assured at this time of Crawford's success provided things go on as we expect. Calhoun has no earthly chance. His candidate for Speaker as announced in the papers some time ago, could obtain only a slender support. To save appearances they now profess to be warmly for Clay, but he is not to be duped in this way.

Let me hear your progress in North Carolina.

Yours truly,

LEWIS WILLIAMS.

Bartlett Yancey, Esq.

From Archibald D. Murphey.

Hillsborough, 8 Dec., 1823.

Dear Yancey:

For several years past I have been projecting a work on North Carolina, to embrace her History, Views of her Climate, Soil, Literature, Legislation, Manners, etc., etc. I have collected Materials for two Volumes of the Work. It was my Wish to prepare a Work which would reflect some Honour on the State, and to preserve from Oblivion Facts in Our History that would be interesting to Our Posterity. Such a Work will fill five or six Volumes. It was my Wish to ornament the Work with Portraits of our most eminent Men, if they could be procured, and with Maps of the State, of several of the Counties, etc. After a Correspondence with Booksellers, I find that they are of Opinion, little or no Profit is to be expected from a Voluminous Work, the Fashion and Taste of the Times being for Compilations, Epitome, and Abridgements. And as to a Catchpenny production, it would do no Honour either to the State or the Writer, and it could not embody that Information which, if it be worthy of being preserved, must now be done, or it will be entirely lost.

I am too poor to encounter the expense and lose the Time which would be required either to collect the Materials or arrange

them. I should have to purchase the Materials in the hands of Francis X. Martin,¹ travel over the State once or twice, go to Kentucky and spend several Months with Governor Shelby,² and probably go to other States to see other Men. I should have to spend at least a Year in Raleigh examining the public Records and making extracts from them. The probable expense, including the Purchase of Materials, would exceed three thousand Dollars. I must necessarily curtail my Practice and have time to devote to this Pursuit.

Will the State aid me in this Work? It will be a National one, and I could not expect much aid from Individuals. As I have at all times unbosomed myself to you freely and confidentially, I will Submit to you the following propositions and leave the Subject to your Discretion. I will prosecute this Work with diligence and complete it, if the State will

1. lend me \$10,000. for eight or ten years, free from Interest, the Payment to be secured by a mortgage of real estate.
2. pay the expense of engraving the Portraits, Maps, etc.
3. Give me access to the Public Records.

I have addressed a Letter to my Friend Mr. A. Moran on this Subject, and if you feel any Interest in it, I beg you to confer with him, and determine upon the Course which should be pursued. The Money and time which I have heretofore spent in the public Service, have contributed in a considerable degree to

¹Francis Xavier Martin, the historian. He was a native of France, but lived in New Bern for many years. Jefferson made him a judge of the Mississippi Territory and in 1815 he became a justice of the supreme court of Louisiana. He died in 1842. He was a legal writer of note and was also the author of a history of North Carolina.

²Isaac M. Shelby was a native of Maryland. At the time of this letter he had reached an advanced age after a life very full of honor and achievement. He served in the legislatures of Virginia and North Carolina, was one of the commanders at King's Mountain and was presented with a sword by the State of North Carolina for his part there. He helped to draw up the constitution of Kentucky and was its first governor in 1792. He was again elected in 1812. He was a soldier in the war of 1812 and was granted a medal by Congress for his services. He refused a place in the cabinet under President Monroe. He died in 1826.

my ruin, and Prudence forbids my again embarking in it without a Certainty that I would not Sustain a Loss. As to making a Profit from it, I would not expect it.

Yours truly and affectionately,

A. D. MURPHY.

B. Yancey, Esq.

(*Enclosure*)

Whereas it is desirable that the History of North Carolina should be written and published in a style becoming the Character of the State; and Whereas without the Patronage and aid of the General Assembly Such a Work cannot be expected,

Resolved, that the Speakers of the two Houses of this General Assembly be and they are hereby requested and authorized to contract on behalf of the State with a suitable Person to write and publish the History of North Carolina; and to draw on the Treasurer for Such Money as may be necessary to carry this Resolution into effect; and their Draft shall be a Voucher for him in the Settlement of his accounts.

From Lewis Williams.

Washington, Dec. 15th, 1823.

Dear Sir:

The result of the vote on Fisher's Resolution was much as might be expected from the wisdom and intelligence of our Legislature. Never was I more gratified than in hearing of the issue.

I send to your care a pamphlet entitled, "Economy, Mr. Calhoun." You must have it published in the Register as a kind of set off against the pamphlet which appeared against Crawford. Several new numbers will appear on the same subject, and you must certainly have them printed, but tell Mr. Gales¹ he must not

¹Joseph Gales, a native of England who had come to the United States in 1794 as a political exile. He published the *Independent Gazette* in Philadelphia until 1799 when he came to Raleigh and established the *Register*. He was later the editor of the *National Intelligencer* of Washington.

let it be known where it comes from. Let it appear in the papers without any observations calculated to shew from what quarter it was received. Other numbers I will send you as they come out.

Yours truly,

LEWIS WILLIAMS.

Bartlett Yancey, Esq.

From Romulus M. Saunders.

Washington, Dec. 17th, 1823.

Dr. Sir:

Yours of the 10th and of a previous date are to hand. I have not as yet been able to collect satisfactory the information asked for in your first. I will endeavor to do so in the course of this week. The quietus given to Fisher's Resolutions has perfectly astounded Calhoun's party. They had been led to believe that they would actually pass and to be rejected by so large a vote has blasted all their hopes. The Washington Republican has denounced us here as "*a desperate faction*" and accuses us of giving false information by letters to the legislature. Every thing now I think is working to our interest. We only want a caucus and Crawford's vote will astonish the nation. I do not believe even in a full caucus of Republicans that Calhoun would get 30 votes. The caucus will be held in January. This will afford time to the Legislature of Pennsylvania to act upon the subject, as it is confidently expected that they will pass resolutions in favor of a caucus. The defeat with you has been communicated both to New York and Pennsylvania. Gallatin¹ has been here, has returned and takes an open part for Crawford. He will be run as Vice President if it be the wish of the State or will certainly come

¹Albert Gallatin, a native of Switzerland, who had been a member of the Pennsylvania convention of 1789, the State legislature, Congress, and the United States Senate. He had also been Secretary of the Treasury under Jefferson and Madison and is regarded by many as the ablest financier who has ever filled that office. He declined the positions of Secretary of State and Secretary of the Navy and also the nomination for Vice President. He signed the peace treaty with Great Britain in 1815 and was afterwards minister to France. He was noted also for a comprehensive plan of internal improvements.

into the administration, should Crawford succeed. Calhoun and Adams' friends are getting at points; thus we feel confident that many of the friends of the latter will come over to Crawford. In some of the States, they begin to speak in favor of Crawford. Indiana has evidenced a disposition to give in and he is also gaining in Ohio—in caucus Mr. Crawford will receive several votes from the latter State. It is thought here to be very important to get Mr. Macon¹ to *call* the caucus or at least attend it. He seems to hesitate. I think he may be brought over to attend. I have thought it might have some weight for you to get some of our leading friends in the Legislature to join you in an application to him upon the subject.

It is impossible to say what course Clay will take—he begins to distrust his strength from seeing the friends of Crawford so willing to go into a caucus. His friends say he will act in such a way as not to injure himself for the future, that he can join neither Adams nor Calhoun, but if they come to him he will of course receive them—he is no doubt calculating something on this score. I am induced however to fear that he will if he can avoid going into caucus—if he cannot, he will then agree to abide by its decision.

I have been asked what is the state of parties in your body. I have answered that I thought Crawford would have a more decided majority there than in the other house—will you answer this?

I see Gales has published my piece, tho' very badly—he made a paltry amt. in announcing the result of the resolutions. The Washington Gazette gave it as a victory to Crawford and continues to use it as such. You will hear from us again in a day or two.

Truly Yrs.,

R. M. SAUNDERS.

Would it be possible for you in any way to have the question of the electoral law argued and decided in the Senate? This would be better for us.

¹Nathaniel Macon, of North Carolina, the acknowledged leader of political thought in the State at the time.

From Lewis Williams.

Washington, December 20th, 1823.

Dear Sir:

I send you another number on the manner in which the Secretary of War has managed the affairs of his Department. Mr. Gales must publish it in his paper. The same injunction as before must be applied, not to let it be known from what quarter this publication was received.

Since I wrote to you I have received a letter from Jonathan Roberts¹ in the Legislature of Pennsylvania. He confirms the account heretofore had, of all things going on well in that quarter. Forsyth² showed me a letter today of more recent date which he had received from a member of great influence in that Legislature. It speaks very strong and confident language as to the goodness of our prospects there. In my mind there is no room any longer to doubt as to the ultimate vote of Pennsylvania.

I have it confidentially from a friend who dined with the President day before yesterday that Calhoun looks chopfallen. Last night another friend saw him at Gen. Brown's³ party, and says that he appeared quite bewildered and mentally absent. He asked Tom Rogers⁴ from Pennsylvania "how Mrs. Chauncy was" so that everybody noticed the *odd question*. He forgot it would seem that he was talking to Rogers and not to Chauncy.⁵ These things are mentioned among ourselves and must not be talked of publicly. But I have no doubt he begins to feel all the horrors of disappointed and ungovernable ambition. This is to you in confidence.

I yesterday had a talk with one of the New York delegation who comes from Gen. Root's Town.⁶ He confirmed me more than ever

¹Jonathan Roberts, who had been for many years a member of Congress before becoming Senator from Pennsylvania. He had, however, been defeated in 1821.

²John Forsyth, of Georgia, frequently member of Congress and Senator. He was Secretary of State under Jackson and Van Buren.

³Probably Senator James Brown, of Louisiana.

⁴Thomas J. Rogers, of Pennsylvania, a native of Ireland.

⁵Commodore Isaac Chauncy, of Connecticut, at that time stationed in Washington as naval commissioner.

⁶Probably Erastus Root, of New York.

in the opinion that New York would vote for Crawford—. there are 23 out of the delegation who are *good and true*. Some of the rest are *borderers* in politics who will take the *right side* after it is clearly ascertained.

Your friend and Hb. Servt.

LEWIS WILLIAMS.

Bartlett Yancey, Esq.

From Nathaniel Macon.

Washington, 31 Jany., 1824.

Sir:

Yesterday I received your letter of the 19 instant, and calculate from its contents that you may get this some Saturday night or Sunday; and I would be as willing for Mrs. Yancey to have it as yourself, so your attending courts will not prevent my writing whenever the fit takes me.

General Saunders gives the account of Crawford's¹ health from what the doctors tell him, I from seeing and conversing with him. I am this minute from his house; he gains strength, but cannot bear light on his eyes; his right eye he told me improved, but his left continued very sore and not free from pain. I however hope he will be well before Congress adjourns, and able to attend to his business; his sickness I fear has been a great disadvantage to him; as it has prevented his being acquainted with the new members, of which there is a great number. I did not see Mrs. Miller to-day, but left your message for her with Mr. and Mrs. Crawford both of whom promised to deliver it to her. I have been told that the anti-caucus men have had a caucus and determined not to attend one; I was not of the number, though I have not decided to attend.

Genl. Jackson since being here, has behaved with great propriety; nor have I heard that a single one of his friends had been over busy about the presidential election. The most industrious are said to be the friends of Calhoun and Clay. I think it probable that Crawford has as fair a chance for the vote of Rhode Island and Connecticut as any named candidate; the same may be

¹William H. Crawford, of Georgia, who had suffered a stroke of paralysis while conducting his campaign for the Presidency.

added of Delaware. In New York his chance is considered better than any one; Pennsylvania uncertain and much divided.

The Tariff men and those for internal improvements by the federal government in high spirits and calculate to carry their measures by considerable majorities and it is reported that the bankrupt bill will be brought again before Congress. If Congress can make canals and banks, it is as omnipotent as the British Parliament.

The Greek motion¹ laid on the table, some of its opponents say never to be taken up again.

I have written by candle light till I cannot see to read.

1st February.

I have been uniformly of the opinion and stated it to the caucus friends of Crawford that they ought to convene if they meant to do so; and the meeting ought to have been in December; the strong side rarely gains by delay and delay has no doubt given their opponents an opportunity to manage to the best advantage to trouble them. Crawford is still believed to be the strongest named candidate with members of Congress.

I know you think I might add much more, but I rarely go out of the house I board in and the shy hoggers² never mention their doings to me, nor even their expectations.

I would rather be at your house and see your family at home than be in any city, town, or village in the nation. I have no time for such places, nor gift for a man dinner. I never was at one and never expect to be at one.

Remember me in all good will and friendship to Mrs. Yancey; tell your children I hope they will do well; and believe me

Your friend,

NATHL. MACON.

¹The reference is to Webster's motion to authorize the President to appoint an agent of the United States to Greece where the revolt against Turkish authority was then in progress. It was supported by Clay also and was successfully opposed by Randolph in behalf of the administration which feared that such action would not be in accord with the sentiments expressed in the message of December, 1823, which promulgated the Monroe Doctrine.

²Dr. Battle explains this very usual expression of Macon as derived from 'beating the woods' for shy hogs.

From Lewis Williams.

Surry County, July 25th, 1824.

Dear Sir:

I was in Iredell last week attending the muster and tax gatherings. I think some impression favorable to Crawford has been made in that County, more than existed when I went there. A little leaven will leaven the whole lump, and if the movt. has a good start I think we may count upon a favorable issue.

At Huntsville yesterday I understood as a matter of Report that Mr. Franklin¹ had or would withdraw from the Crawford Ticket, alleging that it was useless to make an effort to sustain Crawford. I do not believe this myself and only name it to you to give an idea of the Reports in circulation. There is I am further informed the greatest opposition to Crawford in the Hollow and generally on the North side of the River. I had expected that General Graves² and Mr. Franklin would be able to sustain the cause of Crawford in that part of the County and if the necessary exertions were made I yet think they could do so. My object in these remarks you will perceive is to impress upon you the necessity of urging them to further and greater exertions. In Iredell where I had been informed Crawford had scarcely a friend, the people appeared very well disposed before I left them. All that is wanted is a fair representation of Crawford's character and qualifications to give him the majority in every neighborhood. But as I cannot be everywhere, Graves and Franklin must do their part in Surry at least. It would have a most salutary effect if Franklin would attend the Superior Courts and harangue the people on that subject. The same course might be pursued by the other electors and where they cannot attend some other capable friend should undertake the business. I hope you will consult with them and recommend something of the sort, for I assure you it would have a good effect, and an effort of the kind ought to be made to entitle us to success.

In the Morganton district there is no person to espouse the cause

¹Meshack Franklin, of Surry, member of Congress from 1807 to 1815.

²Solomon Graves, of Surry, for many years a member of the State legislature.

of Crawford and Wilson¹ or Ship² should do it in speeches to the people at the Supr. Courts. I shall probably see you week after next on my way to Halifax, in Virginia. I shall probably be by Caswell Court House on Monday or Tuesday when an opportunity will be presented for further conversation. But in the meantime write to Graves and Franklin. If we begin to operate with spirit immediately after the August Elections a great deal can be done between that time and November.

I am Dr. Sir, your most obt.

and very Humble Servant,

LEWIS WILLIAMS.

Bartlett Yancey, Esq.

From Robert Williamson³

Verdant Dale near Lincolnton, July 26th, 1824.

My dear friend,

Your very obliging letter of the 26th ultimo was duly received, for which I tender you my thanks; and should have answered sooner but for the reasons hereafter mentioned. The leading object of your letter seems to be to obtain such information as I may be possessed of on the subject of the presidential election. In order therefore to meet your call, in a way interesting to you and satisfactory to myself, I deemed it expedient to postpone the reply, until I might have an opportunity of meeting with the people at some of the county courts, which have just finished their sessions. The result I am happy in stating to you is favorable to our views and I hope and trust the nation's interest. Since my nomination on the Crawford ticket, I do assure you sir, I have omitted no opportunity presented to my convenience of proving to the people that Mr. Crawford ought

¹Joseph Wilson, of Stokes, member of the House of Commons from 1810 to 1812 and solicitor of the mountain district from that time until his death in 1829.

²Probably Bartlett Shipp, of Lincoln.

³Robert Williamson, of Lincoln, who had had some years of service in each house of the State legislature.

to be the man of their choice. In doing this I do assure you sir, I have met a most powerful opposition. First by the friends of Mr. Calhoun who were numerous and influential. And secondly by the supporters of General Jackson (friends I shall not call them). The latter in consequence of his military achievements I have found much more potent than the former. For some time after Jackson was brought forward, it seemed a hopeless undertaking to attempt in any resistance to his claims or pretensions. In almost every Captain's company the drums were beating and fifes whistling for the hero of New Orleans. The officers would treat their men, make them drunk and then raise the war whoop for General Jackson. Then the poor, staggering, drunken, and deluded creatures would sally forth for the place pointed for them to vote. The result was always in favor of Jackson. I have conversed with some of them afterwards who told me they did not intend to vote that way at the proper election, they voted so just to please their officers. But a great change has, and is now daily taking place. The sober and industrious people have never been in favor of Jackson for that important office. They have been either for Adams or Crawford. But since Crawford has slain his enemies with their own weapons, he is gaining ground very fast. My competitor, Genl. Forney¹ is a popular man in this part of the State. He is a red hot Jacksonite. But oh the tariff! The duty upon iron, etc. butts him in the face when he comes out for Jackson. You wish me to tell you how your old friend the Major² is going in the presidential election. He told me last winter if Calhoun should be withdrawn he would then go for Crawford without doubt. *Not so now.* He goes for Jackson. He is a tariff man. The friends of Mr. Adams (a few excepted) here will not

¹Peter Forney, of Lincoln county, a Revolutionary soldier who was very active in politics. He had served in the State legislature, had been a member of Congress from 1813 to 1815, and was an elector on the tickets of Jefferson, Madison, Monroe, and Jackson. He died in 1834.

²Daniel M. Forney, of Lincoln county, major in the war of 1812, member of Congress from 1815 to 1819, commissioner to the Creek Indians and member of the legislature from 1823 to 1826. In 1834 he removed to Alabama, where he died in 1847.

support Jackson, but some of them will vote for Crawford, not that they love Crawford more, but that they love Jackson less. The counties of Mecklenburg and Cabarrus have been very much devoted to Jackson and he may perhaps have a majority of votes in my district, but I think Mr. Crawford will get the vote of the State.

Would it not be aiding our cause to instruct Mr. Gales to publish the names of the gentlemen in nomination for Mr. Crawford in his weekly paper until the election comes on? The names will become known and familiar amongst the people. Pray sir, are you nominating delegates to meet at Raleigh next November? We have done so in the west. Please to write to me and I shall with pleasure reciprocate.

With much esteem
dear sir, your old friend,
ROBT. WILLIAMSON.

From W. Ruffin¹

Raleigh, 1 Sept., 1824.

Dear Sir:

Frequent inquiries have been made by some of the Gentlemen, on the Crawford ticket, to know, whether it is expected of them to address the Electors in their several districts; or whether there will be a general address² from the central Committee? My own opinion is that there should be an address to the people collectively, from the Central Committee; and have so answered. It has also been asked in what form the address to the Citizens will issue—in the newspapers only, or in pamphlets? Some persons think in the latter and that from 400 to 600 copies should be sent to each County, in proportion to population. Should not the tickets be printed and distributed at the same time with the address? How and to whom are they to be forwarded? You will have to prepare the address and as there is not much time to lose, you had better begin to make up your mind upon the subject.

¹William Ruffin, of Raleigh, a native of Virginia, and the uncle of Chief Justice Thomas Ruffin.

Let me hear from you on the above queries as soon as you can. I suppose you see I have gotten into *hot water*. I don't know whether I am to be overwhelmed by the "odium" of public opinion, or whether I shall escape unhurt. I hope the latter.

With due respect, I am, yr. mo. Obt.

W. RUFFIN.

From Thomas Ruffin.

Hillsborough, Decem. 3rd, 1824.

My Dear Sir:

I have occasion to get a Deed here for some lands in *Virginia* and wish to know how I am to have it acknowledged by Husband and wife here, so as to be effectual there without further proof or proceedings. The Act of Assembly of that State prescribes the *very form* of the whole proceeding and is to be found in "*Leigh's Revisal*" which belongs to the Executive Office in Raleigh, under the head of "*Deeds*" as well as I remember. The Act embraces the proof of all Deeds, I think; but also specially provides the form of proof or acknowledgement before the tribunals of the Country or State in which the grantors live, when it is executed out of *Virginia*. That is the part I want and I shall feel greatly obliged to you for extracting these sentences *in totidem verbis* and enclosing them by the return of the mail or by the first opportunity.

We have no news here but what has got cold with you. We know not yet whether Clay or Crawford get into the house. For my part I feel very indifferent about it, because Crawford has been so abused and vilified and all sides have so run at him and thro' him at the Republican party that I have no hope of final success even if once in the house. I do not know but it is better for the good cause and the *revival of Democracy* that he should be excluded. A spring will bear a certain degree of compression beyond that it will not be forced, and then its elastic rebound is certain and often fatal to the resisting power. Thus I hope it will be with the people and their deluders. Besides, if Clay can be brought on the Turf, he will make sport, be sure of it!! His men will not go to Jack-

son or Adams, the Republicans would support him in preference to either of the others and he would get some States, this for instance, where neither Crawford nor his Ticket has succeeded. Besides this, I learn from Murphey (you have my author) that the West generally, including Jackson himself, will support Clay, when Jackson can not be carried. This must be the case, for the Adams men will not—nay, nobody can support him (Jackson) after he leaves the shoulders of the People. Hence I should not be surprised if Clay should be the man at last. I have no hope of Crawford. He is too honest and too good for the present day. The Republican party is down—God grant it may not be *done!*—and he has sunk with it.

Murphey told me today that he thought Crawford much the greatest and best man among them. I believe the fact to be so, but did not expect so *candid* a confession *from him*. To what sentiment or conclusion do you imagine it was the preface? "That he was opposed to him and rejoiced in his defeat, because *Virginia was for him.*" He declared that he would rather have a weak President than that North Carolina and Virginia should vote together. I reminded him that in this instance Virginia came to us; we being as we were eight years ago and she having changed. He said he knew that, but if Crawford had been elected Virginia would have had all the credit of it and No. Ca. none! I asked where was our credit now? What were we to get? how to be honored, served, or rewarded? I got no answer—Time will show, and my sincere hope and confident expectation is that many an hungry expectant will know his nails in bitter disappointment about the Ides of March next.

I don't ask you at Raleigh to do much good—all we can look for is that you may prevent others from doing harm, which of itself, is much with such a *gang* as you have this winter.

God bless you!

THOMAS RUFFIN.

B. Yancey, Esq.,

Raleigh,

From Frederick Nash¹

Hillsboro, the 22nd Decr., [1824.]

Dear Sir:

Upon returning from Raleigh I found that Judge Norwood² was in Franklin, upon a visit to his friends there. I waited until to-day hoping he would get home in time for me to consult with him and advise by this mail of the result. I have been disappointed, he is still absent and when he will return is uncertain. I think I do not venture too much in saying that the location mentioned by you will meet his approbation. He dreads the mountain circuit as being too laborious and if the Bill should as I presume it will give to the Judges the liberty of accommodating each other by occasional exchanges, the difficulty will doubtless be removed. I fear however the whole is too good to be true—in other words no such favor will be accorded us.

The vote of Louisiana has decided that Mr. Clay does not go before the House of Representatives. Do the friends of Mr. Crawford still entertain any hope of his election? Badger when in this place told me I was the most unfortunate politician he had ever known—when Crawford's prospects^{were} flattering I was opposed to him and now that they were hopeless he was my favorite. There is some truth in this. I fear I labor under some natural propension to descending. But Mr. C., after Mr. Calhoun, was always my favorite personally, and I most cordially wish him success and should unquestionably vote for him if I had a seat in Congress. I do and always have viewed him as the ablest and purest man of the four. Can you spare a moment to reply to this? Has the business of the board sunk to rest? The more I have reflected upon the transactions of the last night we were together, the more extraordinary I think them.

With sincere regard,

I remain respectfully,

Yours,
F. NASH.

¹Frederick Nash, several times a member of the House of Commons, judge of the Superior Court, associate justice of the Supreme Court from 1844 to 1852 and chief justice from that time until his death in 1858.

²Judge William Norwood, of Orange, one of the judges of the Superior Courts.

*From Willie P. Mangum.*¹

Washington, 25th Dec., 1824.

Dear Sir:

I have this morning received yours of the 20th inst., and have only a moment to write to you. I certainly am astonished to hear that anybody can form the slightest pretence, or indulge the remotest expectation that I shall give any other vote than for Mr. Crawford in the H. of Reps. I have written but very few letters, and have been upon my guard. I have expressed my opinion in some of them that Jackson is likely to succeed. In doing so I have expressed what has seemed to me most probable, knowing that the event was in no manner to be controlled by any opinion that I might express—or that other than members might entertain. I write to you at Raleigh, that you may if it should become proper in any conversation, declare my determination not to give up the ship. I do not know what No. Ca. will do in the event Crawford is *de hors*, nor does any other person know. Indeed, it is here understood that the members from No. Ca. have not looked to any other result than a vote for Crawford; that when it shall become necessary to surrender his claims it will then be time enough to determine as to the course by them to be taken. But it is generally understood, and I believe the fact to be so, that his claims are not to be surrendered; that our delegation are *unwilling to take the responsibility of making a President, without a choice*; that to vote for another is in some degree *underwriting* for him. This they are unwilling to do. Late events leave Jackson's prospects more doubtful than they have heretofore been supposed to be. Cooke² of Illinois, it is pretty certain, will vote for Adams—he pledged himself to vote with his State. But the

¹Willie P. Mangum, one of the most important political figures in North Carolina history. He was several times a member of the legislature, twice a judge of the Superior Courts, member of Congress, United States Senator from 1831 to 1836 and from 1841 to 1854. In 1832 South Carolina cast her electoral vote for him for President and during Tyler's administration he was President *pro tempore* of the Senate and *ex officio* Vice President of the United States.

²Daniel P. Cooke, a member of Congress from 1820 until his death in 1827.

State is divided into 3 electoral districts, and tho' Jackson got 2 votes, yet there were powerful minorities in each, and in the district where Adams prevailed the majority was large, leaving the parties so balanced that he feels at liberty to pursue the dictates of his own judgment. He will of course go for Adams and without him, Jackson cannot succeed.

Your calculations as to Mississippi and Louisiana are, I believe, all wrong.

All depends on Kentucky—which is yet doubtful—Ohio and Missouri will go with her, if she takes a decided stand.

I have no time to write now. I will write to you before long more at leisure and more in detail.

Yours respectfully,

W. P. MANGUM.

None of Crawford's friends from No. Ca. will move unless all move. They will act with perfect harmony and *en masse*.

W. P. M.

From Lewis Williams.

Surry County, April 4th, 1825.

Dear Sir:

Before the close of the last Congress I had understood Mr. Franklin had been solicited to offer for Congress in this district, but had declined the invitation to come forward. Since my return I have understood that these invitations have been repeated, but as yet he declines.

My object in writing to you at present is to request it of you as a favour to address a letter to Mr. Franklin on the subject, and urge him not to offer, provided you shall think it right to do so. The object of the Jackson party is now to get possession of the State Government, and at the end of four years, of the General Government too. If they can bring on a collision between Franklin and myself they think one step towards the consummation of their wishes will have been taken. It is a matter of very little concern to me who has the administration of the government if Crawford has not. But he has retired only to come out with renewed strength and splendour. If he regains the use of his speech,

of which I have no doubt, he will go to the Senate, and make those villains tremble who have been assailing him with impunity. Cobb told me he would resign at any moment Crawford and his friends should think it fit for him to return.

To succeed in these objects it will be necessary to preserve the organization of the Crawford party in this State, and to interest if possible every man who attended the Caucus and voted for him in the House at the last Session. It is not so much from the apprehension of a defeat, but to prevent collisions that I do not wish Franklin to come out.

I hope you will pardon the liberty I have taken, and hold my communication in strict confidence. Our friends at Washington thought we could at the next election command Pennsylvania. I understand from my friends at Washington that Jackson will probably resign, and if he does all chance for him hereafter will be at an end. Whether he does or not it seems to me he cannot be elected hereafter, but he may prevent the success of Crawford if he should be a candidate.

If you do write to Mr. Franklin, the sooner it is done, perhaps the better. With great respect, I am,

Yours truly,

LEWIS WILLIAMS.

Bartlett Yancey, Esq.

*To Dr. William Montgomery.*¹

Caswell, 2nd of July, 1825.

Sir:

I recd. your letter of the 22nd of June on yesterday, and take this the earliest opportunity of answering it. In your letter you say, "that a report is quite current in Orange that I have been interfering in the approaching Senatorial election of that County and that on my return from Raleigh last winter or sometime in the winter I spoke in the most disrespectful terms imaginable of you as a member of the legislature, and that my declarations

¹Dr. William Montgomery, a physician of Orange county who was prominent in politics. He served for ten years in the legislature and was a member of Congress from 1835 to 1841. He died in 1844.

reached you speedily hereafter." What my declarations were or upon what subject, you have not been pleased to mention.

You will recollect I saw you at the Superior Court of Orange last spring and had Conversation with you, and you did not upon that or any other occasion intimate to me, any declarations or Conversations of mine about you of an unfriendly character, although from your letter, the report of which you now complain, had then reached you. That I have interfered in the Senatorial election of your County is untrue; for whatever may be my private opinion and preference of the Course of policy which was pursued by your Competitor, while a member of the General Assembly, to the Course pursued by you at the last session, yet a proper respect for myself would forbid that I should electioneer in your County for or against you.

I have been frequently asked in Conversations, the provisions of several Bills which you introduced at the last session, which I stated as well as I could recollect. It is more than probable that in the Conversations I may have said something from which an inference was drawn that I was not friendly to them. It is probable that some declaration of mine upon some of those occasions may have been exaggerated into the report of which you speak, for you have been long enough concerned in elections to know that a report never loses anything by being told again.

It is impossible for anyone always to recollect precisely the words he may have used in Casual Conversations, but I should have no hesitation in Candidly admitting to you or any other man, any declarations of mine upon any subject any time, if recollected.

You are at liberty to show this letter or not, but Certainly if before the public in your County you say anything about the report to which you allude, I may expect the Justice of you to read at the same time this answer to your letter.

Very respectfully,

B. YANCY.

A copy.

B. Y.

From Lewis Williams.¹

In relation to the future course of things in Congress it is almost impossible to speak. The administration is strong at present,—

¹A fragment written in 1825.

I think there are not more than forty or fifty in the House of Representatives who will be systematically opposed. They are the friends of Jackson and Calhoun. The friends of Adams and Clay you know are committed to sustain the administration at all hazards. The friends of Crawford will act upon the principle announced in his toast after his return from Georgia, to-wit, "to judge the administration by its acts". The friends of Crawford will therefore probably be divided on most questions affecting the administration, while the friends of Adams and Clay will generally be united. Hence therefore the administration will have much greater strength in its favor than can be commanded by the friends of Jackson and Calhoun who move systematically in the opposition. In short I think they will waste away gradually and come at last to nothing—on all great and leading points calculated to alarm the people and raise opposition, Jackson is committed to the same course of policy with Adams or Clay. Nothing can be gained therefore in principle by turning out Adams and electing Jackson. The opposition when closely examined will be found entirely of a personal and factious nature, and it does not seem to me likely that the American people will suffer themselves to be agitated and convulsed in order to gratify such feelings.

Our delegation will I think be divided on the subject of politics in the future. Bryan,¹ Holmes² and Hynes³ of the new members will support the administration. So I think will McNeil,⁴ but Alston,⁵ and Carson⁶ will belong, I think to the opposition.

¹John Heritage Bryan, of New Bern.

²Gabriel Holmes, who had been governor of North Carolina in 1821. He was a member of Congress from 1825 to 1828.

³Richard Hines, of Edgecombe county.

⁴Archibald McNeil, of Cumberland county. He had been several times a member of the legislature and was now serving his second term in Congress after an interval of one term.

⁵Willis Alston, of Halifax, who served in Congress from 1799 to 1815 and from 1825 to 1831. He was chairman of the ways and means committee during the war of 1812. He died in 1837.

⁶Samuel P. Carson, of Burke county, a member of Congress from 1825 to 1833. He is best known for his famous duel with Dr. Robert B. Vance, whom he killed. He died in Arkansas in 1837.

Mangum¹ as far as I have heard his opinion will not assist in the elevation of Jackson. Conner² will act independently but a neutral part. The course of Long³ and Sanders⁴ you probably know better than I do. I have not heard them speak decisively on the subject.

Clay is making himself very acceptable to all—particularly to strangers and the new members. His vast fund of common sense will enable him to add to rather than diminish his strength. Kentucky, Ohio, Missouri, Indiana, and Illinois⁵ will co-operate on the future occasion in favour of the views of the administration. Ohio has lately rejected the Tennessee Resolutions with great unanimity. In short every thing considered it does seem to me that Mr. Adams will be elected four years hence, and after him Clay has the best chance to succeed. Clay is the only man on whom the South can rally. Being from a slave holding State the South should cling to him.

I have given you *my opinions* respecting matters and things. In order to give better hopes to the opposition

From Lewis Condict⁶

Washington, Febr. 23d, 1826.

Dear Sir:

* * * * *

You will see by the papers that our Constitution tinkers have got the instrument upon their anvil and with hammer and sledge are at work "*totis viribus, pugnis et calcibus, unguibus et rostro.*" making 5 holes where they stop one. I would perhaps, if compelled to vote⁷ on any amendment, agree to distract the

¹Willie P. Mangum.

²Henry W. Connor, a native of Virginia and a graduate of South Carolina College. He served in the Creek war and was a member of Congress from 1821 to 1841. He was later a member of the legislature.

³John Long, who was a member of Congress from 1821 to 1829.

⁴Romulus M. Saunders, of Caswell.

⁵Lewis Condict, of New Jersey, who was a prominent physician who was very active in politics. He was for five years in the State legislature, two of them as speaker, was on the commission to settle the boundary with New York, and was a member of Congress from 1811 to 1817. He died in 1862.

States, but in my opinion there is much sound sense and wisdom in the old maxim: "let well enough alone".

Yours sincerely tho' hastily,

L. CONDICT.

From Lewis Williams.

Greensborough, November 18th, 1826.

Dear Sir:

You have understood I presume from Mr. John P. Carter* that Judge Murphey is willing to go upon any of the South American missions, though he would prefer that to Columbia, or one of corresponding dignity.

I know the respect Mr. Clay has for any proposition suggested or recommended by yourself, and intimated to Mr. Carter that it would have a happy effect upon the views of Judge Murphey if your friendly interference could be procured in his behalf. From Lenox Castle Mr. Carter wrote me that he had spoken to you on the subject, and you very generously and frankly assured him the Judge should have the benefit of whatever influence you might be able to exert.

The object of my letter to you at this time is to suggest that if in the multiplicity of other engagements you shall not have written to the Secretary of State, you will have the goodness to address him on the subject immediately. In matters of this sort you know the importance of dispatch, because a little delay might enable some other person to preoccupy the place your friend is pursuing. I wish Mr. Clay to know your sentiments concerning the appointment of Judge Murphey at any rate before the meeting of Congress. A letter from you by the next mail, allowing for the uncertainty of that mode of transportation, would arrive in Washington only a short time before the commencement of the session.

I shall go on from this place tomorrow morning to Raleigh, and after remaining there a few days to transact some business I have in Wake County Court, I shall proceed to Washington. It would afford me great pleasure to hear from you during the

*This was probably John Carter, member of Congress, from South Carolina

winter, and especially while our Legislature are in Session. If any thing occurs amongst us possessing interest or importance, you shall be advised of it.

With great Respect, I am,
Dr. Sir, your Obt. Hbl. Servt.,
LEWIS WILLIAMS.

Bartlett Yancey, Esquire.

From John A. Cameron¹

Fayetteville, Decr. 29, 1826.

Dear Sir:

I take the liberty of writing to you with the view of requesting you to favor me, occasionally, with your views and opinions upon the passing political events of the day. Many things will occur during the sitting of the Assembly, which may have an important bearing upon the political course of the State. North Carolina is looked to with much interest, by the politicians of the other States, and especially by the members of the National Administration, as the editor of a public Journal, I should like to be informed, accurately of our political movements, and of the opinions which are entertained of men and measures. Should it suit your convenience, I should be happy in hearing from you as often as agreeable to yourself.

If the course pursued by the N. C. Journal meets your approbation, could you not assist in its circulation among the members of the Assembly, and your friends and neighbors at home? I should be glad if you could do so.

With much regard I am

Dear Sir!

Yr. mo. obt. Ser.

J. A. CAMERON.

Bartlett Yancey, Esq.

¹John A. Cameron was for many years a member of the North Carolina legislature. He served for a time as consul to Vera Cruz and was later United States judge in Florida.

From John H. Bryan¹

H. R.

Jany. 17, 1827.

My dear Sir:

I feel much obliged by your prompt and friendly return for the few hurried lines I sent you. The Com. on Mr. Calhoun's appeal² are very assiduously engaged and I expect are investigating his whole official course. The Bill providing for the Survivors of the Revoly. Army³ has worried us very much, and is barely alive—with Wickliffe's⁴ amendment including the heirs and Reps. of the deceased officers who were entitled to the provision of 1780 I hardly think it can get along.

We were very suddenly to-day forced into Comm. of the Whole on the State of the Union, to consider a Bill from the Com. on Manufactures reported by Mallory,⁵ imposing highly increased duties on imported woolen fabrics—if we could get entangled with this subject, there can be no reasonable conjecture made, as to when the debate will close.

You wish to know what seem to be the present prospects of Jackson and Adams here. I am by no means as well qualified to answer the question as many others—as it consumes all my time to read our documents which I endeavor to do.

¹John Heritage Bryan, of Craven, who had served several times in the legislature. He continued a member of Congress until 1829.

²Charges of corruption had been made in the press against Calhoun in connection with the granting of certain contracts while Secretary of War. He demanded a committee of investigation and was exonerated.

³This was a proposition to increase the pensions of non-commissioned officers, musicians, and privates of the Revolutionary service.

⁴Charles A. Wickliffe, of Kentucky. He was a soldier in the war of 1812, speaker of the Kentucky House of Representatives, lieutenant governor, and Postmaster General under Taylor. He was sent by President Polk to Texas on a secret mission in 1845. He served in the Kentucky constitutional convention of 1849, was a member of the Peace Conference of 1861, and a member of Congress from 1861 to 1863.

⁵Rollin C. Mallory, of Vermont, who was a member of Congress from 1820 to 1831.

I believe the Admn. regard the defeat of Randolph¹ as a signal triumph and I am inclined to think that the simple *fact* will be of great service to them—as that will be known in many places where the *explanation* will not be.

I understood to-day and from pretty good authority that *Pennsylvania* would demand that Jackson should come out decidedly in favour of Internal Improvements (and I think of the Tariff) or in other words should eat the *whole hog*, as the condition of her support of him—but for this I by no means vouch.

As to my own sentiments, I really, if I could choose, should elect neither of the gentlemen to rule over me—and I am not fully convinced as yet that there is any contest of *principle* between them, and until there be, *cui bono?* would the change be?

I think your free negro bill a very important one—my opinion not lightly formed—therefore not worth much, decidedly is—that they are not *citizens*. Present me if you please to Croom,² Spaight,³ Forney,⁴ etc., etc.

Yours truly,

JN. H. BRYAN.

From Romulus M. Saunders.

Washington, Jany. 20th, 1827.

My dear sir:

I observe what you say in regard to my proposal to the Bank. I can freely say, that I think they ought to take the

¹John Randolph, during the preceding session of Congress, had become a laughing stock to the Senate. His powers were rapidly failing and he was above all things vindictive. Feeling in Virginia was very strong against him and in consequence he was defeated for re-election and Governor Tyler was chosen to succeed him. Tyler's famous letter to Clay, published soon after, made the State as a whole rather regretful of the change. Randolph was idolized in his own district which promptly returned him to Congress.

²Isaac Croom, of Lenoir.

³Richard D. Spaight, Jr. He was a graduate of the University of North Carolina and became a lawyer. He served for four years in the House of Commons, two years in Congress, ten years in the State Senate and in 1835 became the last governor of North Carolina under the old constitution.

⁴Daniel M. Forney, of Lincoln.

property, for nothing but my anxiety to free myself from the debt and the idea of getting a full price for the property could induce me to give their debt the preference to others, which I am under primary obligations to pay, yet I flatter myself that in getting that discharged, I shall be able in a few years to wipe out every debt. They could not lose very much by taking the property. If they decline I must sell it for what it will bring, but the proceeds must go to other objects. I shall feel thankful for any service you may render me.

I am glad to hear that you are all so decided against the administration and that the opposition is settling down upon Jackson—rest assured that he is the man that alone can be run with success—and you will pardon me for saying that of all others I consider him as better fitted for the times. I have had several free conversations with Van Buren and read his letters from Albinay. He is well disposed towards Clinton, but his party are fixed and inveterate against him—they seem resolved to frustrate him, if for nothing else, to gratify their feelings. Van B. now has a delicate and difficult part to play. His election comes on the 6th of next month and tho' it be secure, yet some management is necessary. His party from what I collect, despise Clinton, hate Adams and have no love for Jackson—he is not sufficiently a party man for them. If Clinton comes out for Jackson, then it will be very difficult to carry the bucktails with him and the old federalists of his own party are for Adams. I do not believe much if anything is to be gained by running Clinton as V. President. The republican party in N. York may be brought to support Jackson, but care, management, and time must bring it about. It is very important that so large a number of the delegation in the next Congress will be opposition men—they will take their predilections home and extend them through their States. When Van B. has secured himself he will go to work.

Your remarks are perfectly correct as to Calhoun but that matter must be an after thought. He is much disturbed at the idea of being dropped. You see the Legislature of Penns. are on Monday next to go into the nomination of Jackson—if he is nominated *without* Calhoun, then he goes down. I do not much

regret it, d-mn him, he is now reaping the fruits of his 4th of July letter and other misdeeds.

The Senate are upon the Bankrupt bill¹—its fate doubtful—we upon the Tariff and it is said a prohibitory law of the West Indian trade will be introduced on Monday. I trust the 3d of March will arrive in time to preclude our doing much harm.

I shall be glad if Jones should remain, with the understanding of resigning next fall—by that time I can have it in my power to produce some impression in the West and the league of the present session must be dissolved. Unless you offer, Morehead² or Sheppard³ will offer for Congress.

When will you likely resign?

Yours truly,

R. M. SAUNDERS.

B. Yancey, Esq.

From Willie P. Mangum.

Hillsborough, 27th January, 1827.

My dear Sir:

I [An illegible line follows.] learn that a young gentleman who came from Raleigh a day or two ago, reports that he heard a public conversation at a dinner table amongst a number of members of the assembly, and that it was confidently said and seemed to be so understood that in consequence of the public excitement indicated at my temporary appointment to the Circuit Co. Bench, I had declined being a candidate before the Legislature.⁴

¹This was a bill providing for a uniform system of bankruptcy throughout the United States. It was introduced into the Senate by Hayne and failed in both houses.

²Probably John M. Morehead, of Guilford.

³Augustine H. Shepperd, of Stokes.

⁴Judge Mangum had been appointed by Governor Burton to succeed Frederick Nash. His forebodings of defeat were well founded and the combination of the East and West which he feared brought about the election of Robert Strange and James Martin. Mangum was elected to the Superior Court Bench in 1828, but his heart was never in his work and he resigned in 1830 to become a candidate for the United States Senate.

It is true that I have neither requested any member nor distinctly authorized any one to nominate me; hence it is possible that the inference may be drawn and by reason of my silence on the subject my friends may not know my inclinations. I have seen no member since the month of November, nor have I except on this occasion put pen to paper on the subject.

My object now is merely to inform you of my wishes on the subject. I have hitherto abstained from any interchange of sentiments directly with you on this matter and you can readily appreciate my reasons. I know the delicacy of your situation and the jealous and illiberal spirit with which you are observed by a certain party in this State and I should be very reluctant by any means whatever or for any object to strengthen that spirit. But to the subject:—My mind was made up in the summer to accept the appointment if conferred; to devote my best exertions to the public duties; to turn my studies exclusively to the law; to endeavor to obtain as respectable a standing as my ability would admit; and to enter upon those duties as a permanent business.

Early after my appointment, I was astonished to perceive the virulence of public feeling growing out of that occasion. If I had been elevated over men preeminent for legal learning, or distinguished for great or long continued public service, I could not ought I to have felt surprized. Whatever estimate the public may think that I have formed of my own qualifications, on that occasion at least I don't think I am censurable for overweening presumption. When Judge Toomer¹ was spoken of and when it was expected that his name would be before the council; recognizing as I did the reasonable wishes of the Cape Fear district; and the high personal claims of Mr. Toomer; I determined to yield to his pretensions; and that determination was distinctly announced to Gov. Burton.² But when the other

¹John D. Toomer, of Cumberland, who had been a judge from 1818 to 1819 when he resigned. In 1829 he was appointed to the Supreme Court, but the appointment was not confirmed by the legislature. In 1836 he went on the Superior Bench, but resigned in 1840.

²Hutchins G. Burton, governor of North Carolina from 1824 to 1827. He had already served as attorney general of North Carolina and had been a member of Congress from 1819 to 1824. He died in 1836.

gentlemen were the only competitors, I was unable to view their pretensions in the same imposing light. Nor could I perceive that either learning, or public services imposed upon me any obligation to yield to them. After the appointment was received, I expected as a matter of course to hold a poll before the Legislature. Nor have I been deterred from persisting in that determination, by denunciations as virulent as they were unexpected.

I know full well that the confirmation of my appointment will be resisted with great violence and great numerical strength, not am I unprepared to meet complete defeat.

But I feel that I have been treated with a rudeness and indecorum, as unexampled in former cases, as it was uncalled for by my private deportment,—and that too upon an occasion, when to grant the most of my opponents the public interest could not have sustained any deep injury by my appointment over the gentlemen *then* before the Council. Hence my determination is to enter the contest, for I prefer to meet my enemies, and encounter an entire overthrow, rather than make a pusillanimous retreat.

A part of the opposition to me savors so strongly of deep political malignity or personal hatred; that my resistance as far as it depends upon me, shall at least be manly tho' unavailing.

My early resignation when I recd. the same appointment in 1819 will be urged against me and not without effect. I have to say to you, (tho' I should scorn to enter publicly into domestic reasons for my conduct) that the disastrous turn my Father's pecuniary affairs took the year after, left me to choose between keeping the appt. and looking coolly on his situation, or to abandon my station and endeavor to save as much of the wreck as wd. make his situation comfortable. I did not hesitate in making the choice, nor shall I ever regret it, whatever may be the effect upon my personal advancement.

I learn that Gen. Stokes' is violently opposed to me, and says amongst other things "that but for that damned fellow the

¹Montford Stokes.

Moravian suits would have slept forever." This in substance he urged and was urging strongly agst. me this fall in Wilkes. I have to say that my decision on that question, after several days' argument, has been affirmed by the Supreme Court. It was the granting the petition for a review of a decree in Equity.

My own opinion is that the lamented death of that firm and honest man Judge Paxton¹ will make against me. Will it not produce a coalition between the southern and western interests? Whereas if one vacancy was to supply, the motives to coalition would not exist.

I wish you to understand me. That however proud, as I really am of your good wishes, yet I know the delicacy of your situation so well that I neither expect, nor do I wish you to mingle in this contest in any way to your prejudice. For however anxious you may naturally expect me to be in reference to the issue; yet knowing that contests of more consequence to the public are yet in reserve; I hope I should be unwilling to weaken in any way, those upon whom my hopes of success rest.

I wish Mr. Scott² of Hillsboro to be apprized of whatever is contained herein.

Believe me yours truly and sincerely,

W. P. MANGUM.

From Lewis Williams.

Washington, Nov. 30th, 1827.

Dear Sir:

I send you the receipt of Gales and Seaton for payment of your subscription to the Intelligencer.³ I directed them to forward the paper to you at Raleigh as you requested—and after the adjournment of the Legislature to Milton.

¹John Paxton of Rutherford, a judge of the Superior Courts from 1818 to 1827.

²John Scott, member of the House of Commons from the borough of Hillsboro from 1818 to 1820 and from 1824 to 1827.

³The *National Intelligencer* was a Washington paper owned and edited by Joseph Gales and William Seaton, who also owned the Raleigh *Register*.

We have no news of moment. There is much talk about the election of Speaker. I think Taylor¹ will prevail, but by what majority, it is difficult to say.

Permit me to request your attention to a petition from the citizens of Surry requesting the erection of a Court House, etc. The petition is in the hands of Mr. Hough,² one of the members in the Commons from Surry. I believe you never were at Rockford, and I will therefore refer you to Mr. Settle³ for a full detail of the disadvantages and inconveniences under which we are doomed eternally to labor if the Court House should be permitted to remain at Rockford. But we do not propose to tax the people to effect our objects. We wish to make an experiment of putting up all the public buildings without resorting to any tax—by the sale of lots, etc. Permit me again to request your attention to the petition and your aid in this business.

With great Respect, I am your
Obt. and very Hbl. Servt.,
LEWIS WILLIAMS.

Bartlett Yancey, Esq.

From Lewis Williams.

Washington, Dec. 11th, 1827.

Dear Sir:

In conversation with Mr. Cobb⁴ the other day I asked him if Mr. Crawford would consent to be run as Vice President.

¹John W. Taylor of New York, a member of Congress from 1813 to 1833. He was speaker of the House at the second session of the 16th Congress and in the 19th Congress. He died in 1854. Williams' expectation was not fulfilled, for Taylor was defeated by Andrew Stevenson, of Virginia, the candidate of the friends of Jackson.

²Ephraim Hough.

³Thomas Settle of Rockingham. Mr. Settle was a member of the legislature in 1816 and from 1826 to 1828. At the latter session he was speaker of the House. He served in Congress from 1817 to 1821 and in 1832 became a judge of the Superior Courts and held this position until his death in 1857. He was the father of Judge Thomas Settle, of the Supreme Court of North Carolina and of the Federal Court of Florida.

⁴Thomas W. Cobb of Georgia, member of Congress from 1817 to 1821 and from 1823 to 1824, United States Senator from 1824 to 1839.

He answered that he would be willing, but added that he would not be run as the partisan of either of the candidates for the Presidency. I then told him that I should myself be unwilling to see Mr. Crawford run as the Adams, or Jackson candidate for the office of Vice President, but let him be supported by his friends as Wm. H. Crawford standing alone upon his own merits. To-day I was in the Senate Chamber and Mr. Cobb took occasion to say that Mr. Haynes¹ of the House of Representatives from Georgia had received a letter from his Brother who was a member of the Legislature of that State, stating it as his opinion derived from a full and free conversation with the members of the Legislature of that State, that Mr. Crawford would be nominated by the Legislature of Georgia as a candidate for Vice President. Mr. Cobb seemed pleased with the idea of Mr. Crawford being thus brought forward. I said to him that it was the best and safest plan of bringing him out for that office and that I would write to you on the subject to know your opinion and receive such suggestions as you might think proper to offer. If you think it advisable to make any movement in this way, be so good as to inform me of it immediately. It is the only way of getting Mr. Crawford before the nation as a candidate for that office, and if he is once out he I am inclined to think would beat Calhoun in every State except South Carolina. I understood Mr. Crawford's health is very much improved, and the fact of his acting as Judge proves sufficiently that he could discharge the duties of Vice President. Calhoun was elected Vice President by the friends of Adams, Jackson, and Clay—and there is no reason why Mr. Crawford should not receive the votes of the friends of Adams and Jackson. As yet nothing is known as to the person who will be run for Vice President on the Adams ticket. Shultz² of Pennsyl-

¹Charles E. Haynes of Georgia, member of Congress from 1825 to 1829 and from 1835 to 1839.

²John Andrew Shulze, governor of Pennsylvania from 1823 to 1829 is the person meant. He was a strong Jackson man and his holding the office for so long a time was regarded as an important element in the campaign for Jackson, which began when the House of Representatives elected Adams in 1825 and only ended when Jackson was elected in 1828.

vania, Gov. Pleasants,¹ and Mr. Crawford are all talked of. Conventions are to meet in Pennsylvania, Virginia, Kentucky, and Ohio at no distant day, and we are anxious to hear from the original friends of Mr. Crawford so as not to admit of conflict in the choice to be made of a candidate for that office.

If Crawford should be taken up in North Carolina as a candidate for Vice President, without reference to any other candidate for the office of President, it would go far in my opinion to induce other States to take him up also. If taken up I feel confident he could be elected, independently of the choice to be made of a President. My conversations with Mr. Cobb, and this letter to you are all so many acts upon my own responsibility. You will therefore consider the proposition to you as of no more value than an original and independent determination of my own.

Your friend and Hbl. Servt.

LEWIS WILLIAMS.

Bartlett Yancey, Esq.

From Augustine H. Shepperd²

Washington, 13th December, 1827.

Dear Sir:

Altho' I have been in the City some eight or ten days yet I have gathered but little information that could be interesting to you. The little that has been done in Congress has had nothing peculiar to characterize it, unless it be the political demonstration contained in the first act. This you have no doubt learned in various ways. Waiving all political considerations, the election of Mr. Stevenson³ is no doubt a fortunate result; for

¹Governor James Pleasants of Virginia. He was a member of Congress from 1811 to 1819. United States Senator from 1819 to 1822, and governor from 1822 to 1825. He served also in the Virginia constitutional convention of 1829-1830.

²Augustine H. Shepperd of Stokes. He served in the legislature from 1822 to 1826, in Congress from 1827 to 1839, from 1841 to 1843, and from 1847 to 1851.

³Andrew Stevenson of Virginia, member of the legislature for many terms and speaker of the lower house, member of Congress from 1821 to 1834 speaker of the House from 1828 to 1834, and minister to Great Britain from 1836 to 1841. He died in 1857.

judging from his deportment in the Chair so far, I incline to the opinion that he possesses peculiar fitness for the duties of the station. His manner is dignified courteous and yet sufficiently decisive and prompt. It may well be said that his elevation proves that a majority of the house are opposed to the re-election of Mr. Adams, but upon some of the important subjects thought to be the favorites of the Administration, the same decision I think cannot be anticipated. I allude to Manufactures in connection with the tariff and Internal improvements for many of the advocates of these measures, are hearty Jackson men and voted for Mr. Stevenson. This is particularly true of Pennsylvania, Kentucky, and New York. But little is said on the appointment of the Committees, at least not more by way of objection than has been the fate of the most judicious selections heretofore. You will perceive that Mr. Randolph is Chairman of the Committee of Ways and Means.¹ The time has been when he was no doubt eminently qualified for the station. But he is John Randolph merely in the recollection of former days and you need not expect to hear of his having raised his voice in the house during the session, indeed his constitution is so shattered and gone that he can scarcely converse so as to be understood in a private circle. Mr. McDuffie² is therefore essentially Chairman of that Committee. You will see that *The Intelligencer* has already been complimenting him as to the character of his views, etc., etc. I wish that I were sufficiently acquainted with the great ones here so as to be able to give you even a slight sketch of their characters and relative pretensions. But will you believe me when I tell you I have not seen Mr. Adams. I called in order to do so and found him engaged. Mr. Clay I have spent an hour with: he is certainly a very pleasant man but I think by no means so agreeable and interesting as Mr.

¹Randolph was bitterly hated by Adams and his selection for this important position was part of the policy of the House to do everything which would injure and displease the President.

²George McDuffie of South Carolina, member of Congress from 1821 to 1835. He was elected to the Senate in 1843, but soon had to resign on account of ill health. He was a close friend of Calhoun.

McLain,¹ the P. Master Gen. who I believe to be the finest fellow amongst the dignitaries of Washington. The prevalent opinion here is that he is in favor of the election of Jackson. The Senate no doubt contains an unusual measure of talent. Mr. Webster, the ne plus ultra of the Administration has not yet arrived. He will in his new station have to breast a formidable array, amongst whom I am inclined to think that Rowan² of Kentucky is entitled to a very prominent station. And it is to me a matter of no little regret that he and perhaps many if not all of the Jacksonites from that State are of the relief party and new court School. I have frequently heard you express a favorable opinion of the talents of Mr. Sargeant.³ This conclusion would not result from a view of his person unless you were to scan very closely those lineaments of the face and head that certainly do in many instances give some clue to the mind. Amongst the younger gentlemen of the house Mr. Sprague of Maine⁴ I should suppose entitled to a very respectable Rank. John C. Wright⁵ (Gen. Sanders Devil) has the most

¹John McLean of Ohio, who had been a member of Congress from 1812 to 1816, and was now serving his term as Postmaster General, which lasted from 1823 to 1829. Although in the cabinet of Adams, he was a strong friend of Jackson and worked for him during the whole time, using all the power of his position. He was made an Associate Justice of the Supreme Court by Jackson. He came very near receiving the Republican nomination for the Presidency in 1856 when Fremont was nominated. He was appointed Secretary of War by Tyler, but declined the position. He died in 1861.

²John Rowan of Kentucky, who was very prominent in Kentucky politics from 1799 until his death in 1853. He held many positions and was a member of Congress for one term and Senator from 1821 to 1831.

³John Sergeant of Pennsylvania, member of Congress from 1815 to 1823, 1827 to 1829, and from 1837 to 1842. He took a very prominent part in the Missouri Compromise debates and was later a strong Whig. He was the candidate of that party for the Vice Presidency in 1832.

⁴Peleg Sprague of Maine, member of Congress from 1825 to 1829, Senator from 1829 to 1835. He then removed to Massachusetts, where he became United States judge.

⁵John C. Wright of Ohio, was a judge of the Supreme Court of his State before he became a member of Congress in 1823. He retired in 1829 and became the editor of the Cincinnati Gazette. He was a prominent member of the Peace Conference of 1861 and died during its sessions.

shrewd, cunning, sarcastic and disingenuous face I have ever looked upon. I had as leave fall in the clutches of any other *biped* that I have ever seen.

Whilst we have little or nothing yet to interest the public, the developments at Raleigh have been unusually momentous. What measure can we indeed affix to the consequences resulting from the disclosures in the Treasury department! what a stab to public confidence and what a triumph to those who deserve not to be seared and what an extensive sweep will not public opinion embrace in its denunciation. Do my Dr. Sir, let me know what is thought in relation to the Brothers who are concerned in the management of the Banks. I am truly gratified at Mr. Settle's¹ success in being placed in the Chair of the Commons. I feared that some others who believed themselves entitled to the station would have entered into a contest for it. It is evidently the best selection the house could have made.

Remember me to my acquaintances generally.

Repl. yours,

A. H. SHEPPERD.

From Augustine H. Shepperd.

Washington, 29th Decemr., 1827.

My Dear Sir:

I have just received your short letter but though remarkable for its brevity it contains enquiry of moment and which my very limited information does not enable me to answer with any kind of confidence. The demolition of the Turkish fleet by the allies² has here been hailed as an auspicious event leading to the conformation of Greekish liberty, but from the jealous and selfish views of those concerned in effecting the result we can scarce believe that

¹Judge Thomas Settle of Rockingham.

²Great Britain, Russia, and France in April, 1827, signed a treaty pledging themselves to interfere in the war then being carried on between Turkey and Greece. Greece accepted the treaty joyfully, but it was rejected with scorn by Turkey. On October 20, 1827, the naval battle of Navarino was fought between the allied fleets and that of Turkey, in which the latter was almost entirely destroyed and five thousand Turks were killed.

their interference has been with any other view than that of caring for themselves or dictating to the Greeks that form of government which shall suit the crowned heads of Europe and if the Greeks adhere to their Republican notions and do not quietly submit to the will of their august deliverers that force which has been turned against their enemies will no doubt be directed against themselves—but any state of existence is really preferable to their miserable Turkish thraldom. It does not seem probable that a protracted state of hostilities will be the consequence of the awful demonstration at Navarino. The Intelligencer of this morning gives news from Constantinople from which it would appear that the Porte not in good faith but yielding to the influence of disastrous events will at last seem to submit to the propositions of the allies. And so far as we are concerned no interesting result could it seem be anticipated from the speedy cessation of Hostilities. There seems to be a general opinion here at least amongst those I have heard speak on the subject that what has or probably what will speedily take place amongst those powers will not be of a character to effect us very materially either for the better or the worse.

But another account that I have just read speaks of a sullen determination on the part of the Turks to fight it out to the last or to admit no interference from other powers. Time therefore must mark with its unerring impress the truth upon those events which are now merely conjectural.

This being the period of Holidays you will readily guess why we are moving on so slowly, but after the greetings of the New Year there seems to be a general determination to enter more seriously on the business of Legislation. Many interesting Reports will come in next week and after mellowing for a while on the table they will become ripe for discussion. Private claims, especially those for land in Florida and Louisiana are very numerous and important to the government and claimants but on the subject I am clearly of opinion that we should cut the matter short by creating a Court or Commission for their determination. Congress cannot understand them nor has it time even if it did to devote to their decision.

Upon Mr. Barbour's¹ Resolution to sell the Government stock in the Bank of the United States we had quite an interesting discussion. Mr. Barbour is a very powerful man—remarkably systematic and perspicuous—but his mode of reasoning of the most dangerous kind—he first seeks to prove that which really requires no argument and then attempts very ingeniously to show a striking resemblance between the position illustrated and that which he seeks to establish. His manner of treating the subject is rather like the ingenious lawyer than the bold and commanding politician.

Mr. Graham is quite a financial Gentleman, his mind is truly mercantile and well stored with that kind of information suited to the question presented by Mr. Barbour. You have seen probably the vote of rejection, 174 to 9.

My health has not been good and I fear that the climate is too humid for my constitution. I am located on Pen. Avenue about half a mile from the Capitol. Mr. Mercer,² Bryan³ and two gentlemen from N. York compose our mess. I wish that I had taken your advice and located on Capitol Hill.

You may rest assured that I shall be glad to hear from you and if during my stay here I can be of any service to you be assured that no one would render it with more pleasure.

Obdy. your friend etc.,

A. H. SHEPPERD.

You will excuse the badness of my hand write when I tell you it has been the first experiment with a new silver pen given me by a friend.

From Augustine H. Shepperd.

Hall of Reps., 17 Apl., 1828.

My Dear Sir:

You have no doubt watched with much solicitude the progress of the Bill proposing additional duties upon imports.⁴

¹John S. Barbour of Virginia, member of Congress from 1823 to 1833.

²Charles F. Mercer of Virginia, member of Congress from 1817 to 1840. He served in the war of 1812. He was president of the Chesapeake and Ohio Canal Company and was prominent for his opposition to slavery.

³John H. Bryan of North Carolina.

⁴The "tariff of abominations" is referred to. This is a most interesting account of the part played by the South in its adoption.

At an early period many of the Southern members looking to the features of the Bill as reported, and believing that its features were so offensive to the members of the East as to induce them to vote against it and that in the discussion between the East and Middle States we of the South should remain silent, and upon questions of amendment should content ourselves in voting so as to retain those features which should keep up the opposition of the East—Molasses was regarded as the pivot on which the controversy was to mainly turn. In this way we went on prosperously for a time until the indiscretion of the foolishly zealous temper of some from our section of the Union induced them to come out and tauntingly tell Gentlemen of the East that they voted for molasses and some other articles with a view of making the Bill odious to them; acquainted as you are with the principles of human nature you must perceive the injurious effect of such a course. Poor McDuffie has exhausted his curses on some of our friends on the subject. We have not only disclosed our plan, but defeated its success—for although we have a strong opposition to the Bill from Massachusetts and Maine, yet there has appeared in its support a majority of 18 on the question of engrossing the Bill. And notwithstanding a Mr. Pearce¹ of Rhode Island is now anathematising the Bill upon the pending question to postpone it indefinitely, yet there is but little hope left of defeating it in our own house. I have for some weeks since been quite unwell and have but lately been able to attend in my seat. Your letter on the subject of the mail stage route was laid before Mr. Turner and I have to regret that I cannot obtain from him the co-operation which I had hoped for. He wishes to hear from his constituents and yet it seems he has recd. no communication.

I shall be truly glad to hear from you.

Truly yours,

A. H. SHEPPERD.

¹Duttee J. Pearce of Rhode Island, attorney general and United States district attorney of his State and member of Congress from 1825 to 1833 and from 1835 to 1837. He died in 1849.

From John C. Calhoun.

Pendleton, 16th July, 1828.

My dear Sir:

I forwarded the list of subscribers to the Southern Review¹ to a friend in Charleston who will pass it to the editor. I am pleased that you think so well of the first No. which seems to be very able. The second, I think equally so; and I feel much confidence that it will be able to sustain its character.

I regret, that I could not make my arrangements to see you, as I passed through the State. The incidents of the Winter at Washington afforded much matter for reflection, and I would have been happy to have gone over them in conversation with you. It seems to me, that the government is rapidly degenerating into a struggle among the parts to squeeze as much out of one another as they possibly can. The South being the least, and I may add less avaricious than the other, is destined to suffer severely in this odious struggle. Where it will end is hard to anticipate. The election of Genl. Jackson which I consider almost certain will, I trust, contribute to a better state of things. An honest and patriotic President has much in his power. Without some effectual remedy, our system must fall into disorder.

The Tariff causes much excitement in our State, which occasionally breaks out into some extravagance. The attachment of the great body of our people to the Union remains however unshaken. They look only to Constitutional remedies under their severe sufferings.

I have no idea that the Legislature will be called. It seems to me, that it would be unwise under any view.

The course that you indicate is certainly the safe and natural one, and ought to be relied on [*"till it fails"* crossed out] Should it prove inadequate, I see no other remedy, but in the sovereignty of the State. That they have adequate power, when all other fails

¹The *Southern Review* was the first of the South's magazines. It was established in Charleston in 1828 and continued to exist for about seven years. It was a direct forerunner of the *Southern Literary Messenger*.

to apply Constitutionally an efficient remedy I do not doubt. The Virginia Report and resolutions in '98 are conclusive on that point.

With sincere regard, I am etc., etc.,

J. C. CALHOUN.

Hon. B. Yancey.

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CONTENTS

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2

CONTENTS

Introduction.

2.

Character of the Population.

3.

Land System.

4.

Absence of Local Institutions.

5.

The North Carolina County a Survival of the English System.

6.

The Creation of Counties.

7.

Local Administration of Justice prior to 1738.

8.

Changes in County Government of 1738.

9.

Local Administration of Justice from 1738 to 1776.

10.

County Officials.

11.

Evils in Local Government.

12.

County Representation in Assembly.

13.

Conclusion.

COUNTY GOVERNMENT
IN
COLONIAL NORTH CAROLINA

By

WILLIAM CONRAD GUESS, A. B.

"No people can have a proper self respect who are not familiar with the deeds of their ancestors".—Battle.



"This system imparts to the State the character of a confederacy of counties".—McMahon.



"There are other places at which, like some of the foregoing, the laws have said there shall be towns; but nature has said there shall not".—Jefferson.

7

COUNTY GOVERNMENT IN COLONIAL NORTH CAROLINA.*

The proprietary government of North Carolina began in 1663, with the royal grant to eight noblemen, who were constituted its "true and absolute lords and proprietors," through royal favor, and concluded in 1729, amidst public rejoicing, with the sale of the property to the Crown. It was the purpose of the Lords Proprietors to erect certain distinct governments, eight in number, each one of which was to be directly dependent upon one of them, and they termed these governments "counties." It was their intention that these governments should be consolidated into an imperial government, but the slow growth of the northern part of the province prevented a consummation of their plan, and finally brought about the division of the province into North and South Carolina. In their concessions of 1665, they interpreted the term "county" to refer to the subdivisions of their vast territory, which they had received, and it was their design that each of these so-termed "counties" should have its governor, with the necessary administrative associates and assembly. In the concessions referred to, the proprietors spoke of the "County of Clarendon, County of Albemarle, and the County of _____ which latter is to be to the southward or westward of Cape Romania, all within the province aforesaid." Each was to be a county palatine, rather than a county in the modern sense of the term. Craven was the name attached to the territory blanked in the concessions of the Lords Proprietors, and comprised the territory immediately south of Cape Romania, wholly without the region that later became North Carolina, and therefore is not to be dealt with here. Clarendon, the district to the south of the mouth of the Cape Fear, though within the territory of North Carolina, was early abandoned that its inhabitants might unite

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with those of Craven county a considerable time before there was materialized in the units of either of these sections anything resembling the county of the modern sense, the government of which, prior to 1776, is the consideration of this inquiry.

The earliest successful municipal corporation in North Carolina was Albemarle county, comprising the entire area around Albemarle Sound, some 1600 square miles. This government was at first smaller than either Clarendon or Craven, but it steadily extended its domain over the surrounding territory, until at the close of the 17th century it became known as North Carolina, and embraced that part of the province that extends north and east of the Cape Fear. The plan, as I have suggested, was to have very large counties, and these were to be composed of "Precincts." Albemarle, and Bath, which was created in 1696 from the region to the south of Albemarle, were the only counties of this type which were created, the former being early composed of the "Precincts" Currituck, Pasquotank, Perquimans, Chowan, Edgecomb and Bertie, and the latter of Beaufort, Hyde, Craven, Carteret, New Hanover, Bladen and Onslow. These counties, with their "Precincts" which were to be the units of local government in North Carolina, along with the others that were subsequently created along the same plan, continued to exist until 1738, when the larger division was abolished, and in its place the old precinct, which now was denominated county, became the regular local administrative and judicial unit.

THE CHARACTER OF THE POPULATION

That the correct importance and appreciation may be attached to the local government in North Carolina, that its method may be best understood, and accounted for, a brief survey of the type of persons with which it dealt, their character and condition, which will prepare us for the insight into their conception of justice and their methods of administering it — for the laws which were enacted were characteristic of the men of the times — is not improper here.

North Carolina certainly cannot be called a "Receptacle of Dissenters and an Amsterdam of religion," as New England was,

It was no "Nursery of Quakers", as Pennsylvania; it was, to be sure, no "Retirement of Catholics", as Maryland; it cannot, I think, be peculiarly characterized as the "Delight of Buccaneers and Pirates" as South Carolina is accused; it may in no sense of the word be "justly esteemed the happy retreat of true Britons and true Churchmen", as Virginia claims to have been; but it cannot, I think, be justly termed the absolute "Refuge of Runaways", as Jones characterizes it in his "Present State of Virginia". Nor do I think that the celebrated Colonel William Byrd had sufficient justification for saying, that the inhabitants of the province of North Carolina "pay no tribute either to God or to Caesar." That both of these statements are partially true no one denies; that they are merely half truths and nothing more, the candid and impartial students of that period largely confess. Bancroft says that North Carolina was settled by the freest of the free; men to whom the restraints of other colonies were too severe. The settlers of North Carolina were by no means a class of people particularly fond of a rigid government, and they have never been exuberant about the exactions of taxation, local or otherwise. Lack of means partially accounts for the latter characteristic. They were however, says Bancroft again, "gentle in their tempers, of serene mind, enemies to violence and bloodshed." They were "restless and turbulent in their very imperfect submission to government imposed upon them, but their own administration was firm and tranquil."

The early settlers of the New England Colonies belonged to the great middle class of Old England and came chiefly from the towns, while the early colonists of Virginia, purely English, belonging to the upper and middle classes of the mother country came in the main from the rural districts, and brought with them a large body of "servants," who were sprung from the very lowest classes of England. This approach to white slavery in Virginia was abandoned with the introduction of negroes, but the poor whites then occupied a condition of life scarcely preferable to that of the slave. The result was that in Virginia the upper class grasped the reins of government at the start and held them, while in New England, on the contrary, the mass of the people,

from the very earliest time, seized the control of affairs, and in that respect Carolina somewhat resembled New England. North Carolina was settled by no distinctive class, however, as New England and Virginia, but by a heterogeneous population, and thus the local organization of Colonial North Carolina was of a mixed character such as would naturally have been produced by the manner of its settlement, and the character of its settlers.

Colonial North Carolina was often turbulent; whether justified through good reasons or not, there were frequent social disorders among the people. The condition of the masses is partially responsible for this, for religious instruction was scant and there was unfortunately considerably less of education. No printing press was introduced into the colony until 1749, "without the advancement of which" said Charles Dickens, in his speech at a reception tendered him in New York in 1868, "little real advancement can take place anywhere." But coupled with this condition of the masses, was the bad administration and the excessive demands of the mother country. In their submission to this the inhabitants were "restless and turbulent." Any government but one of their own institution was rather oppressive. Thus the county governments were more quiet and better regulated, because the administration of local affairs was not so closely subjected to a foreign sway, a fact which should be borne in mind through a major part of the treatise, for local self-government, though to be sure it only partially existed in Colonial North Carolina and was precluded by the "fundamental constitutions," is conceived to be conducive to a liberty loving spirit.

LAND SYSTEM

Closely allied and firmly interwoven with the social and political institutions of any government, local or otherwise, is its land system. No people can properly find their place in the ranks of government until they are settled within some definite area, have a fixed abode, have acquired land, which they hold as the property of individuals or which is held by the people as a whole. Before a land system is developed, however simple it may be, a people strong and numerous constitute scarcely more than

"a nomadic horde deserting one region after another." The land system is one of the most important elements, almost the fundamental principle of the institutional life of any country or section, and its influence is particularly traceable in the history of the English race. Local government in Colonial North Carolina cannot, therefore, be properly studied without some investigation into its land system.

The proprietors, being early empowered through their charters, announced to those who would become North Carolina colonists, the conditions under which they could obtain and hold land. With a view of encouraging a rapid settlement special inducements were offered to large families. In 1663, in their document entitled "the declarations and proposal" the proprietors offered one hundred acres of land to every "present undertaker," fifty acres for every man servant, and thirty acres for every woman servant whom he should bring or send into the province. The early lands were not sold, but leased forever, as it were, the proprietors being compensated in the shape of quit rents. One half-penny per acre was the amount established by the proprietors as the quit rent, and from three to five years were allowed for its payment. Lands were granted however during 1663 at lower rates still, only one farthing per acre being exacted. These low rates were aimed at attracting large numbers to Carolina, and were unquestionably a distinct advantage to poor colonists.

In 1663, the proprietors reached a special agreement with the unsuccessful settlers at Cape Fear. It provided that 500 acres of land should be granted in return for every thousand pounds of sugar which were subscribed toward the enterprise, and more or less in proportion to the amount of the subscriptions. About the same time, the Concession and Agreement of 1665 made provision for an elaborate system of head rights, varying considerably between 1665 and the close of 1667, which were applicable for the entire colony, including Clarendon. Within that county the maximum for freemen was to be one hundred acres and the minimum fifty acres. It was provided that the larger amount was to be bestowed upon those who arrived in 1665, and the smaller on those who delayed until 1667. In Albemarle, the maximum and minimum offers were eighty and forty acres respectively.

The Fundamental Constitutions, though they only designated the areas of the baronial grants, were in the nature of an immense territorial concession for the entire province. In the celebrated scheme of government, there was provision for eight Seniories in each county—each consisting of twelve thousand acres—and these were to be proprietary reserves. The eight baronies in each county were to be given, of course, to the provincial nobility. In order that these estates might be kept together, it was provided that after 1701 neither the proprietors nor the provincial nobles should have the power of dividing their estates. It was permitted that tracts of land consisting of twelve thousand acres might be erected into manors. Thus the "Inalienable and Indivisible" property of the nobility—which consisted in one landgrave or earl, and two caciques or barons for each county—comprised ninety thousand acres, or one fifth the entire land of the province. The proprietors were to retain as their "Inalienable and Indivisible" property a like amount of the lands. The remainder of the territory, three-fifths of the entire amount, comprising some two hundred and eighty-eight thousand acres, was reserved for what was termed "the people." A very successful application of the feudal land system set forth in the Fundamental Constitutions fell flat, but merits attention as the only continued attempt within the United States to connect political power with hereditary wealth. Carolina, however, refused alike an hereditary nobility and the dominion of wealth. It is interesting also for its partial influence upon the proprietors in their early territorial system as applied to the colonists, a system which was not, in its essence, materially altered when the Crown purchased the territory from the proprietors in 1729.

As a matter of fact, the land holdings granted by the patentees to the common people were very small as early as 1669, for the provisions of the Fundamental Constitutions were modified considerably at that time, and although there were exceptions, large grants were very rare. That policy continued on through the colonial period. Six hundred and forty acres was usually the maximum quantity, although the Assembly passed a law in 1669 which restricted, for five years land holdings to six hundred and

sixty acres. But, as has been shown, this law did not extend to "Proprietors," "Land Graves," and "Caciques." The law was early made in order to prevent dispersion of the inhabitants over too large an area. The amount which one man could lay hold of without purchase in 1669 was sixty acres for himself and fifty or sixty acres for each person he brought with him. A little later it was fifty acres for each person that came without any distinction. In 1709 the Proprietors declared that no more than six hundred and forty acres should be sold to one man without permission. In 1702 the restriction allowed no more than five hundred acres, though six hundred and forty acres seem to have been the usual maximum holding permitted to one person from a little after that date on through 1737, and thereafter, the policy of issuing small grants under the Crown, as under patentees, being adhered to. No inconsiderable man therefore, under the system of land holdings, could accumulate anything approaching a very extensive estate.

In 1665 the proprietors provided that "Registers or Secretaries were to keep exact enterys in faire hookes of all publicke affaeres of the said countyes and to avoid deceiptes and law suits shall record and enter all graunts of the Land howse or howses from man to man, As also all leases for Land howse or howses" This provision, now so common, was then unknown to English law. It was a marked improvement on the English system of ascertaining and perpetuating titles. All grants and deeds for land were to be acknowledged or proved by oath of two witnesses and recorded, and the conveyance first recorded was to be effectual, notwithstanding the prior unrecorded conveyance.

All the laws passed from time to time in regard to registration, alienation, transfer, title by occupation, validity of occupation, validity of patents, resurvey, escheat, rent-rolls, and the number of acres to be granted to any one person, were enacted by the governor, in cooperation with the two houses of the legislature. The governor was empowered to exercise a very careful oversight over the settlement of all land granted. It was emphasized that he should not allow larger grants than could be well settled and cultivated and this was usually a very small amount. In con-

junction with the council he decided whether lands had been settled in accordance with the terms of the grants and whether they escheated or forfeited, and he was forbidden to issue grants without a clause reserving the right to vacate the occupants unless the quit-rents were paid and cultivation properly carried on, but the colonists were often excused for non-compliance with the regulations. Subsequent provisions concerning the territorial system were provided for when the occasion demanded, though they were better planned than executed, for much looseness and even abuses preveailed. From 1729 however, when the Crown purchased the territory, the abuses seem to have been less prevalent, though the crown officers were not always very active or particularly intelligent in the discharge of their duties.

Thus it has been observed that under the patentees and the Crown, the policy was to grant the land in small holdings, and this system and policy concerning land determined to a very considerable extent the economic, political and social life of the colonists. The system of land holdings tended to keep North Carolina a poor colony, while in Virginia and South Carolina, where it was the custom to make large grants, a predominant landed aristocracy soon sprang into existence. The North Carolina colonists did not escape the influence of the environment, and the nature of the local government was, of course, materially influenced by its territorial system—a system which tended to check the colonists in the accumulation of wealth. The consequence of a small and not wealthy population scattered over a large area was that the county, or precinct, as originally designated, obtained predominance as a political unit.

ABSENCE OF LOCAL INSTITUTIONS.

Among all the American Colonies, town life was least developed in North Carolina. With the absence of manufactures and with commerce entirely undeveloped, and with a population without wealth, towns would have been an unnatural growth. In early North Carolina there were very few hamlets, and in certain localities, a house within sight of another was rare. Amidst these situations, in a boundless forest, there were not even roads, ex-

cept as the paths from house to house were distinguished by notches on the trees. As late as 1754, North Carolina with twice as many inhabitants as its southern neighbor, South Carolina, had not one considerable village. Indeed in 1776 New Bern and ~~Wilmington~~ were villages of only five or six hundred inhabitants each. A town became entitled to a representative in the legislature when it was composed of sixty inhabitants, but even with this slight requirement the number of towns represented in the legislature never became very great. This of course was to some extent due to the fact that the governor was chary of granting borough representation, but the population consisted merely of small farmers, the climate being especially suited to a rural life. Where such conditions prevailed, towns did not spring into being at once, nor could men be "forced, bribed, nor persuaded to live in them when founded." The circumstances which prevented the development of town life, and consequently the institution of town government, aided the growth of the county system in North Carolina and caused it to prevail.

Towns were thus absent in colonial North Carolina, but more than this, there were no territorial distinctions, such as the plantation, hundred, township and district, as in certain of the other colonies, though provisions were made for them in 1665. The parish did not come into the colony until it was fairly settled, and through the proprietary period it was without uniformity and not fully established. In the small number of parishes in which there were efforts to maintain the establishment, the sole civil functions were to care for the poor and assess the local rate. The vestry and church-wardens were clothed with the power to raise money by poll-tax not exceeding five shillings in currency a titheable for these purposes. The former of these functions was not particularly important, because the rich and almost inexhaustible soil of the fertile sections along the rivers which had for ages been preparing the soil for easy cultivation by the rich alluvial deposits, produced an abundance of food in the colony. The latter function was usually confined to expenditure for religious purposes, and this being poorly paid by Dissenters, it became little more than a voluntary offering by the Established Church. The

other significant function of the parish, the care of the highways, was, a considerable time before the introduction of the civil parish, confided to officers appointed by the precinct courts, and it so remained. A law of the legislature of 1703 directed that the church-wardens should provide weights and measures for the use of the precincts, together with "one fair and large book of common prayer." The "select vestry" of the proprietary period and the "open vestry" of the royal period performed certain insignificant functions, but in the main, other than the above, all local matters were referred to the jurisdiction of the county governments, a fact which attaches more significance and interest to this study. The climate, natural environment, land-system, and the habits of life of the North Carolina colonists evolved the county as the natural type of their local government.

THE NORTH CAROLINA COUNTY A SURVIVAL OF THE ENGLISH SYSTEM.

County government in colonial North Carolina bears many points of resemblance to the English common law parish of the sixteenth century, though the Carolina plan of local government seems to have been much less fashioned according to the parish idea than most of the American colonies, the local governments in many of them being a distinct survival of the sixteenth century parish, as those of Virginia and even of Massachusetts.

It was an early idea of the Lords Proprietors that the large divisions of Albemarle, Clarendon, and Bath should be institutions similar to the county Palatine of Durham, but that idea, as has been seen, was inapplicable to North Carolina. The early Precinct Courts in North Carolina, however, correspond very closely to the Durham Halmote Courts. They were held entirely under the control of the Proprietors, and had the same local jurisdiction over the same tenants of the Proprietors of the Government. The Precinct Courts unquestionably bear marked resemblance to the local courts in Durham, in composition as well as in jurisdiction.

Though the local system of government in North Carolina seems to have resembled the English common law parish of the sixteenth century, and the early courts to have been fashioned

after the Durham Halmote Courts, the county system was, however, probably a more distinct survival of the regular English county than were the local systems in any of the American colonies. Though county government in colonial North Carolina bore many traits of other influences, in essence it was the old English county in the New World.

THE CREATION OF COUNTIES.

Before a fairly minute study of the actual jurisdiction and operation of a county government is begun, it might be well to consider rather briefly here the manner of the erection of the precincts previous to 1736, and of the counties from that time to the close of the colonial period. Counties are created for the convenience of the people who reside in them, and were erected in North Carolina in accordance with the population in the particular districts in the province. Unfortunately the rectangular construction of the local units had not at that early day been conceived of, and perhaps would have inconvenienced the people if it had, since the population was widely scattered throughout a large area. The counties were therefore erected in accord with the distribution of the population and were fashioned largely by natural boundaries.

The manner of the erection of the precincts, and later of the counties, occasioned many disputes. The first of significance seems to have arisen with Governor Burrington in 1733. The Assembly claimed that the governor and the council alone did not have the right of creating new precincts. Burrington had a controversy with two members of the council about this point and succeeded in showing that, save in the case of one precinct formed in 1722, all had been erected by the governor without the co-operation of the legislature. By an act of 1715 the legislature recognized as legal units of representation the precincts which down to that time had been established by ordinances.

In 1754 Governor Dobbs was instructed to erect counties in the southern and western part of the province whenever he and the council deemed it fit. This was to be done by charters of incorporation which gave the counties the privilege of sending representatives to the assembly, but with absolute disregard of the

assembly itself. This right of the governor was denied by many of the colonists, and for some time after his administration began, Governor Dobbs was not enabled to carry out his intentions. In 1759 the council ordered that the governor issue a proclamation to the effect that, upon the dissolution of the assembly elected at that time, no writs of election could be issued to the several counties unless they took out charters of incorporation from the governor. After 1759 the right of representation apparently depended upon the charters issued by the governor, and the colonists at that time relinquished their claim in the matter.

The manner of the creation of the counties seems thus to have remained largely unsettled. Controversies and disputes over the question were frequent. The indications are that the precincts, and later the counties, were erected by the governor and the council with considerable disregard for the assembly, though that plan was not strictly adhered to.

Since we have observed the general character of the population of colonial North Carolina, have examined the land system which determined to a very considerable extent the economic, political and social life of the colonists, noted the absence of any important territorial division save the county, taken a passing glance at English local governments of which the North Carolina county is a survival, and seen the manner in which counties were created in North Carolina, we now reach the main object of this study and turn to an examination of the actual operation of colonial county government.

It will be remembered that in the introduction of this paper it was seen that the large divisions which the proprietors were pleased to term "counties" were abolished in 1738, and that the precincts which composed them were at that date denominated counties. Previous to that time the precincts fulfilled the local function of government, and were the actual counties of the more modern term. The operations of their government, therefore, are the ones first to be examined.

LOCAL ADMINISTRATION OF JUSTICE PRIOR TO 1738.

The pivotal factor of the county administration in colonial North Carolina was the county court. The judicial body that

constituted the local court administered certain duties, through which supreme local importance became attached to them, and to the institution in which they served. It is therefore proper to speak of the origin of the local court system in North Carolina, of the local administration of justice prior to 1738, and later of the local administration of justice from 1738 to 1776.

According to the provisions of the Fundamental Constitutions there was to be in each of the large counties a court consisting of the sheriff and four justices, one for each precinct, and all were to be commissioned by the Palatine's court. But that provision was not thus early carried into execution. The earliest records of a county court which have been preserved in North Carolina are those of Perquimans precinct, which began in 1693. With this date the actual operation of the county government properly begins.

Among the powers of the Assembly, as provided in the "concessions and Agreement" which were issued by the Carolina proprietors in 1665, was that of constituting "all courts for their respective Countyes, together with ye Lymitts, powers and jurisdiction of ye said Courts." There was also a provision for the number of officers, their titles, fees, and perquisites, and penalties for "breach of their severall respective dutyes and Trusts." Similar instructions were repeated to the governor of Albemarle, as the governor of the province was known previous to the appellation of "North Carolina," in 1667. These liberal intentions were abandoned with the Fundamental Constitutions, and there was provided for an elaborate judicial system to be established by ordinance after the plan had been accepted. The acts of the first assembly of Albemarle, that of January 1669, did not provide for the establishment of any courts, unless provisions for that end were among the lost records. The court of the governor and council in one of the records is referred to as existing, and it probably constituted the sole court of the settlement. The instructions of 1670 to the governor and council of Albemarle empowered them to establish as many courts as they should deem well until "Our Great Model of Government" could be put into execution. A similar provision was made in the instruction to

Governor Wilkinson in 1681. The instructions of 1685 provided that the governor should appoint justices and hold courts as set forth in the Constitutions. In 1691, Governor Ludwell was instructed, with the consent of three of the proprietors' deputies, to appoint a judge and four justices to try cases in any of the counties in which there were fifty freeholders qualified to serve as juries, with one justice for each precinct.

According to the Fundamental Constitutions, in every precinct there was to be a court consisting of a "Steward" and four justices of the precinct, who were to judge in all "criminal crimes," except treason, murder, and any other offences punishable with death, to judge furthermore all civil cases whatsoever, and all personal actions not exceeding fifty pounds sterling without appeal, but where the cause should exceed that value or concerned a title to land, and in all criminal causes, in such cases, either party on paying five pounds sterling to the proprietors' use, was given the liberty to appeal to the County Court. It was provided that the precinct courts should be held regularly in quarter sessions, and that the governor should permit no delay of justice.

Such were the early provisions and arrangements concerning the establishment of some type of local court system for the province of North Carolina. The several provisions as to the governor, and particularly those contained in the Fundamental Constitutions were not readily placed in operation. The development of the local courts underwent a slow, yet normal, development. Certainly there were no precinct courts in the old precincts of Carteret, Shaftesbury, and Berkely, of 1672, and so far as can be ascertained there were none in any of the precincts which were subsequently created, prior to the court of Perquimans precinct in 1693.

The precinct courts thus came into existence not later than 1693, and probably prior to that date, though the records have been lost if there were earlier courts. They were held by several justices of the peace in joint session, who were appointed by the governor with the approbation of the council, one of whom was usually denominated Judge. Frequent sessions of this court were held, Perquimans having in 1703 seven in each year, although the

number in different precincts varied, the number of courts and justices being influenced by the particular demands in the various sections. As there were no court-houses in the province prior to 1722, the courts met at the private residence of some conveniently situated planter. The scope of authority underwent many changes from time to time.

The jurisdiction of the precinct courts as finally regulated, extended over criminal offences which were punishable by fines and forfeitures, but not by the loss of life, limb or estate. They could try civil causes which did not involve over a hundred pounds except actions of ejectment. The court of the single justice disposed of all claims for less than fifty shillings. The precinct court was permitted to inflict punishment by "fines, ransoms, amercements, forfeitures or otherwise."

Similar to a board of commissioners at the present day, this court had many non-judicial duties, administrating over many matters of public concern. In the precinct courts, claims to head rights were proved. They were also empowered to take probate wills, receive entries of lands, when there was no dispute, and grant letters of administration. Owing to the late introduction of the parish, they performed many of the duties which in England were in the hands of the vestry, and which in New England were left to the selectmen. They fulfilled the functions of the English Orphans' Courts, acting as appointed guardians and binding children out as apprentices. They looked after the general management, opening roads, building bridges and appointing overseers of the public highways of the precinct, a duty which, although it must have been particularly important, was only slightly performed through the early period. Furthermore, the precinct court supervised the administration on estates, appointed constables and granted franchises for mill sites. As a matter of fact, they formed the chief center of local government in North Carolina throughout the proprietary period.

The decrees of the precinct court were executed by an officer called the provost-marshall, who was in fact merely a sheriff previous to the time when that officer was dignified with the latter term in 1738. He was a deputy of the provost-marshall of the

General Court, and in general sustained the same relation to the precinct courts as the latter did to the General Court. It was a part of his duty to summon jurymen, but this officer will be dealt with slightly more in detail in connection with the county officials.

There was also a clerk, and briefly here, it was his duty to keep and transcribe the minutes of the court. Interestingly, on the last day of any session of the court the clerk was required to read in open court the minutes of all the proceedings, and after he had duly corrected all errors, and the document had been signed by the justices, it was declared the record of the court.

There were, naturally, attorneys who took part in the trial of cases, and in early proprietary times there was the custom of allowing advocates, men not bred in the law and with absolutely no knowledge of the elements of the law, to use the precinct courts as a kind of practice ground. But after some time this practice was interfered with through an order of the General Court forbidding any person to act as attorney-at-law in the province except such as had been licensed by the Chief Justice and Judges of the Court.

In the precinct court, as in the higher tribunal, there were juries in the trial of cases. By a law of 1679, the justices were to make known to the "sheriff or marshall of the precinct that he should cause to come before the court, to act as jurors, as many good and lawful men of the precinct, by whom the truth may there be better known and inquired of," etc. In 1723 the manner of obtaining juries was described as follows: Lists were to be made of jurymen in each precinct, and none could serve whose names were not on the lists; of these persons the sheriff was ordered to summon twenty-four, whose names were furnished to him; he was to perform this duty twenty days before the meeting of the court, and the persons summoned were bound under a penalty to attend. On the opening of the court, the names of those summoned were called, and if more than twelve appeared, the names of all those who were present were put into a box and a child under twelve years of age drew from the box, in open court, the names of twelve, who constituted the jury for that term. If

in any case to be tried any of these were challenged, then a child drew as before from the remaining names of the original twenty-four to supply their places. If, at the opening of the term, there did not appear enough of those summoned to make a jury of twelve, then the court ordered the sheriff or the marshal to summon "talesmen," who, of course, could be taken from the free-holders only, whose names were on the jury list of the precinct, and who happened to be at the court. When a person had once been drawn and had served as a juror for a term, he could not again be required until all the others on the list, who had not at that time served, had been drawn.

Mention was made in the outline of the jurisdiction of the precinct courts that a single justice had jurisdiction in civil cases which did not extend to cases involving more than forty shillings, and this action along with the observance that law and order be kept, about which they were to report, might be specified as the Justice of the Peace Court. The first record that we have of this court was likewise in Perquimans County in 1678, previous to the extant records of the precinct courts, although the Justice of the Peace Court seems to have been merely a minor division of the precinct court.

These magistrates were given quite an extended range in which to display magisterial powers, for in the enumerated powers conferring jurisdiction upon the justices in 1676, it was enacted that they should be authorized "to enquire of the goodmen of the precinct, by whom the truth may be known, of all felonies, witchcrafts, enchantments, sorceries, magic arts, trespasses, forestallings, regratings, and extortions whatsoever." The only jurisdiction of the justice which ever became particularly significant in the province, however, was his usual jurisdiction in civil causes which did not extend to cases involving more than forty shillings, that is when acting alone.

These magistrates, as was observed in speaking of them as justices of the precinct courts, were appointed by the governor with the approbation of the council. This was usually conceded, for a later enactment boldly affirms that "it has always been the cus-

tom, time out of mind, for the Governor and Commander-in-chief to appoint all officers in this government, by and with the consent of the major part of the council."

The executive officer of this court was the constable who was annually appointed by the precinct courts, and in the main was invested with powers very similar to those of a constable in England. Besides those regular duties, they made lists of the tithables for the use of the vestry and summoned the coroner's jury.

There was an extra local tribunal of which it is proper to speak in brief, namely the court for the speedy trial of slaves. The purpose of the court was that the owner might not, by the confinement of the slave until the next court, lose the benefit of his labor. This court was composed of three justices of the precinct in which the charged crime was committed, along with three free-holders of the same precinct, who were required to be owners of slaves. The court convened at a place named by a justice whose commission was the oldest of the three, and the trial was conducted according to the same rules of procedure as were in vogue in the other courts, excepting that there was no jury, the court determining the facts as well as the law. The slave was allowed to introduce any lawful evidence in his defense, and was not prohibited by the law from having the assistance of his master or others employed for him. After a hearing, the court could pass sentence, extending to life or member, or might in their own discretion inflict any corporal punishment whatsoever or command the proper officials to execute the sentence for them.

Such were the inferior courts of colonial North Carolina previous to 1738. They were not always particularly effective as judicial tribunals, and yet from the records one is prone to believe that they were fairly satisfactory considering those austere times, dealing with a population that had already acquired the reputation of being very lawless, resisting constituted authority, and above all things endeavoring to pay little or no taxes, though this condition is in itself somewhat reflective on the judicial system in general of that time. Fiske says that in the administration of justice "one might have witnessed such scenes as continued for generations to characterize American frontier life. The

courts sat oftentimes in taverns, where the tedium of business was relieved by glasses of grog, while the justices' decisions were not put on record, but were simply shouted by the crier from the inn door or at the nearest market place."

CHANGES IN COUNTY GOVERNMENT OF 1738.

As has often been referred to in this paper, in 1738 the great counties of Albemarle and Bath, which, be it remembered, were not counties of the modern term, with their marshals, deputy marshals, and separate courts, through an act passed "by his Excellency Governor Gabriel Johnson, Esquire, Governor by and with the consent of His Majesty's Council, and the General Assembly of this province" were abolished, and the precincts, which had throughout this period largely fulfilled the functions of counties, were now dignified by the appellation. The change became agitated through neglect on the part of the deputies, who at that time refused to perform their duties. Their conduct in many other respects occasioned "great murmurs, discontents and a delay of justice, greatly injurious to the tranquility of the province.". These evils were partially remedied through the abolition of the office of provost-marshal of the province, and by directing a sheriff to be appointed in the newly created counties to serve instead of the ordinary deputies of the provost-marshal. Three justices of the peace in each county were to be recommended bi-ennially to the governor by the court of the county, who were to be most "fit and able to execute the office of Sheriff for their respective counties." The governor appointed the one that seemed to him "meet for the office," and he was to serve the next two ensuing years. The same act that changed the name "precinct" to "county" naturally changed the old precinct courts to county courts, but their organizations and functions remained for some years the same in essence as they had been.

After the act of 1738 changed the precincts into counties, through many subsequent acts the newly created counties underwent many divisions and alterations, others were erected from them, "and the boundaries were settled and altered from time to time as were most suitable to the circumstances of the inhabitants."

LOCAL ADMINISTRATION OF JUSTICE FROM 1738 TO 1776.

The policy of the patentees in the local judicial system was permitted to continue, until 1746. The most significant factor of local government, the county court, was then reorganized, as was the superior court. By the act of 1746 the precinct or county courts were much more fully organized. "For the better establishment of the County Courts" it was enacted that they should be held four times in each year, and that the justices of the peace " shall have power and authority, as amply, and fully, to all intents and purposes as the Justices of the Peace in the counties of England as well out of their Court of Quarter Sessions, as within, to preserve, maintain, and keep the peace within their respective counties." Four sessions yearly were to be held in each county by three justices of the peace who were now as in the previous period appointed by the governor with the approbation of the council. The justices of the peace, when in session, had the power of hearing and deciding all matters in law wherein the amount in litigation was above forty shillings and not more than twenty pounds, acts of "trespass and ejectment and writs of for-medom being excepted." These officers likewise heard "petty larcenies, assaults, batteries, trespasses, breaches of the peace, and any other offences of an inferior nature, forgery and perjury being excepted." They were furthermore to hear all cases of legacy, intestate estates and matters concerning orphans. There was a provision made for appeals from this court to the superior court. The prosecuting officer in these county courts was a deputy of the attorney-general of the colony, the deputy for each county receiving his appointment from the attorney-general.

Through an act of 1754, the assembly defined the powers and duties of the Court of Quarter Sessions, and enlarged its jurisdiction. This act, however, was repealed by the Crown. The local sessions were almost entirely under the control of the provincial officers, especially of the legislature, and to extend their jurisdiction meant further limitation of the superior courts which were more directly under the Crown. The repeal of the act of 1754

was not sufficient to check the legislature, for in 1760 another act was passed extending the jurisdiction of the inferior courts to cases involving fifty pounds. This act was likewise repealed, but after it had operated for a short time. The assembly soon relinquished its demands, and passed in 1762 an act which limited the jurisdiction of inferior sessions to twenty pounds, although it passed at the same time an act providing for a trial by this inferior tribunal of the cases involving as much as fifty pounds, which had been begun but not completed according to the act of 1760. The provisions of the act of 1762 were continued, though very slightly modified through the acts of 1764 and 1768. In 1773 the question of extending the jurisdiction of the lower courts again arose. After many disputes between the lower house and the governor, an act was again passed providing that the inferior courts should have jurisdiction in cases involving amounts as large as fifty pounds. Governor Martin through force of conditions, gave assent to the act, but it received the ordinary fate with the Crown, being repealed. The Crown replied that it was willing to allow the officers of the court to be appointed by the provincial officials, that their powers, duties, and methods of procedure be defined by the assembly, that the session might be practically independent of the Crown, but this independence must be within small limits.

Below the County Court of Quarter Sessions there was, in the precinct court, a still smaller court, the court of one or two magistrates, the lowest court of the judicial department. This session of the magistrates, as we have seen in connection with the precinct courts, was one of the very oldest of the provincial courts. It continued throughout the royal period with practically the same jurisdiction as was granted it by the patentees, being provided for in the royal period by an act of 1741. Each county had several magistrates, appointed by the governor in conjunction with the council, having jurisdiction in actions of smaller amounts than those prescribed for the regular inferior sessions, and likewise had much to do in keeping the peace and in administering justice in general in an elementary way. The executive of this court was the constable, as in the previous period.

Observations of the precinct and county courts indicate that

they were in essence the same, few changes of significance being made in the local court system after 1738, though many considerably important ones were agitated. The county courts were more fully organized than the previous ones, naturally growing with the development of the population. Both courts were held by the justices of the peace, the decrees of the precinct court being executed by an officer called the provost-marshall, while the decrees of the latter courts were executed by a like officer under the cognomen of sheriff. There was the officer of clerk in both systems, with like duties in each, though he was constituted differently under the latter system, and was later enticed to fraudulent extortions. The court of the magistrate in the precinct court was very similar to a corresponding court of the latter period, the executive officer in each being a constable. Attorneys at-law practiced in the county court as well as in the former system. The services of a jury were, of course, as essential to the later as to the earlier tribunal. The extra local court for the speedy trial of slaves existed in the local judicial system after 1738, and was perhaps a court of more activity during those later times. It is therefore justifiable to say that in essence the local court system of the patentees continued through the colonial period, though there were many slight alterations.

The great weakness of the court system of colonial North Carolina was its instability, though the local courts were never subjected to the severe alterations that the superior courts underwent. The court laws were usually temporary and on account of political disputes between the Assembly and the governor, their existence was usually limited to a specified time, usually two years. This led to much legislation with its consequent agitation and discussions regarding courts and court systems. The courts were frequently modified, and this, through contentions and controversies between the different parties, allowed the possibility of having no courts at all. In a few instances the single court of activity in the province was the justice of the peace court. That the system and administration of justice should under the conditions be rather inefficient, and even at times chaotic, was perfectly natural. It cannot be denied that a lack of intelligence and energy on the part of the representatives of the colonists

often occasioned the absence of justice, but this is likewise attributable to a lack of intelligence in many instances on the part of the Crown, and to a lack of intelligence, industry, and character on the part of the Crown officials in the province. In 1768, during the closing years of Governor Tryon's administration, the court question was again taken up, and, while the general features were left unaltered, the duration of the same was extended to five years instead of two, as formerly, and this in itself greatly remedied the judicial system. That act constitutes the last significant change in the court system of colonial North Carolina.

COUNTY OFFICIALS.

The county officials of significance in colonial North Carolina comprised the sheriffs, justices of the peace, clerks, registers, treasurers, constables, and coroners. Nearly all the legislation relating to the county refers to the county courts or to the sheriffs as their executive officers. Whatever records of the counties have been preserved are mainly county court records. Most of the above named officers, it will be observed, were purely officers of the local court system, and most of the others were closely allied with it. In dealing with the inferior courts it was necessary to say something of the court officers in that connection, and thus we gained an insight into their duties then, and therefore they will not be dealt with in much detail here, though it should be remembered that they constituted perhaps the most important officers of the local system of government.

The most important officer of the county system was the sheriff, his principal services being connected with the county court. He was the ministerial officer of the county. Previous to 1738, this officer, as has been suggested, was called marshal, but at that date the title was changed. He secured his office through appointment by the governor, and was a freeholder residing in the county, and had to "find surety for one thousand pounds sterling that he should faithfully discharge the duties of that office and account for and pay all publick and private moneys by him received as sheriff." The sheriff served and executed all writs issued in the name of the king, "of whatever nature they are, against persons, lands and goods in the county and made returns

of those writs." For serving and executing all writs the sheriff was allowed certain fees by an act of 1748, and for "all sales he had a commission not exceeding two and one half percent. of six-pence in the pound of the price of the goods sold, and for all publick moneys by him received he had a commission of eight percent. allowed him." The sheriff's duties varied from time to time, but in the main they were similar to the duties of the sheriffs of the English shires. Every county of North Carolina had a sheriff, an officer of "trust and importance in the county," though at times one sheriff would be changed to perform duties in another county. He was amenable to the governor and received his instructions from him. The earliest duties performed by him were serving writs and processes. He had custody of the county jail, imprisoned criminals and inflicted corporal punishment and attended executions. He held the elections for burgesses and summoned juries for the inferior and General Court. He was also the collector of public duties, and until coroners were appointed, he was obliged to view dead bodies and "warn the enquest." For some time his duties remained as above outlined except that he was relieved from acting as coroner.

Possibly the most important duty of the sheriff was as the collector of public duties, in the performance of which he was often subjected to severe treatment by the delinquents. The sheriff was furnished with a list of all the taxables in the county, "that is all the white males above sixteen years of age and all mulattoes, masters and slaves male and female above the age of twelve, and by this list he collected all the public or provincial poll." The sheriff was empowered to collect the poll tax by an act of the assembly with the county tax which was imposed by the justices of the peace and the inferior court "upon their several counties for contingent charges," and the parish tax which was imposed by "the vestry for the behoof of the minister and other parish charges." This officer had the power of "distraining for all these taxes and a fee of two shillings and eight pence currency for every distress."

Such were the duties of the county sheriffs of colonial North Carolina. The same person could be elected and continue in office for an indefinite number of years, with one limitation,

namely, that at the expiration of two years of service, if he could show certificates or receipts from the treasurer "by which it might appear that he had settled with that office for the publick taxes by him collected in his county," he was discontinued as sheriff.

Justices were early appointed by the governor and council of North Carolina to serve for life or during good behavior, and when any important county business was to be transacted, such as levying taxes, electing county officers, accepting their bonds, and making contracts for the county, a majority of the justices were required to be present. Other business could be transacted by a majority of the justices.

The office of justice of the peace had its origin in ancient times, and in colonial North Carolina was regarded as a dignified, honorable, and important position, and our forefathers felt highly honored when clothed with its dignified and important powers. Peace is the very end and foundation of civil society, and in the maintainance of this the justice of the peace was an indispensable officer in the administration of justice and orderly enforcement of the laws.

At common law a justice of the peace had the power, when a felony or breach of the peace had been committed in his presence, to personally arrest the offender, or command others to do so, and had the same power to prevent a breach of the peace, which was about to take place in his presence. If, however, the crime was not committed in the presence of the justice, he could not arrest or order an arrest, except by his written warrant based upon oath or affirmation.

The justice or the magistrate was the king's main reliance for the preservation of order, and in colonial America he was the principal officer in the administration of the laws of organized local society.

As in the precinct courts, so in the county courts there were demands for a clerk, and this officer existed in each of those tribunals, receiving his appointment from the secretary of the province previous to 1762, and serving during good behavior. In 1762 a clerk for the province was appointed by the Crown, and this officer thereafter appointed the clerks of the county courts.

Evidence seems to substantiate the claim that by appointing clerks for good conduct the clerk of the Pleas of the Crown received a considerable sum of money in the shape of a bonus. These county clerks were under bond to the justices of the peace of the counties, but seem to have been more amenable to the clerk of the province than to the magistrate, since their offices more particularly resided there.

In connection with the land system in North Carolina we saw that registers were created "to keep exact enteryes in faire bookees of all publicke affaires of the said countyes," etc. The office of the register thus came into existence almost with the colony. A law of 1715 provided that the officer should be appointed by the governor from three freeholders who should previously have been selected by the voters in the precinct. There was thus at first a popular element in the selection of registers, but later they were appointed by the governor without previous nomination. The duties of the register were registering deeds, which were often for personality, and were acknowledged in the precinct courts, and until the appointment of parish clerks, the recording of births, marriages, and deaths.

Treasurers were not early provided for in North Carolina, the first bill that I have been able to find in the records establishing that office being dated 1746. The treasurers were, by law, to account with the assembly, and the constant practice was for them to do so before a committee appointed by the house, who re-examined the accounts on the report of their committees. Their duties were very similar to those of the county treasurer of the present day, though serving in territories where the population entertained no great love for taxation it seems to have been an office of much less activity than even at the present time.

The office of constable was another important office in colonial North Carolina, though that statement may seem somewhat strange to us now. The office originated in the most remote days of the past and was early introduced into North Carolina. The constable was then, as now, the ministerial officer of the justice's court. He acted when commanded by the justice, if acting within his jurisdiction.

The concessions of 1665 provided for coroners. At that time the officers were appointed by the governor and the council, and a law, which Governor Burrington declared an old one, would indicate that this method was retained throughout the proprietary period, and probably they were so selected afterwards. The office of coroner seems to have been one of inactivity during the early days. The slight mention of the holders of this office in the records would indicate that their services were never particularly significant.

EVILS IN LOCAL GOVERNMENT.

In the description of the county officers it has been seen that the magistrates, sheriffs, and constables were largely appointed by the governor, usually in conjunction with the council, but the members of that body were themselves selected by the governor. The clerks of the county courts and register of deeds were selected by an officer called the Clerk of the pleas, who having bought his office in England came to North Carolina and peddled out "county rights" at prices ranging from four to forty pounds annual rent per county. In 1772 these rents amounted to five hundred and sixty pounds per year "from an absolutely sinecure office," as Governor Martin said. It was a vested right, however. All this was done openly, for "farming out offices," as buying and selling them was called, was at that time an honorable occupation. Under that system, there was of course no responsibility to people, and an unhealthy state of affairs was soon produced. There came to be a self-perpetuating circle, composed of officers, lawyers, justices, and their dependents, controlling local affairs, and with interest widely different from those of the people. Popular discontent could not make itself felt in legal and accustomed channels.

As a result of the foregoing situation, the unlawful extortions of the county officials, and the non-performance of their duties were their characteristic traits towards the close of the colonial government. The first and perhaps primary cause of the War of Regulation was the unlawful exactions of fees by clerks and registers of deeds. There is plenary proof that the county officials

made undue extortions. Governor Tryon in his dispatch to the home government in 1768, confessed that the Register and Clerk of Orange had been found guilty of taking "too high fees." Colonel Fanning, the Register of Deeds of Orange, was prosecuted and duly convicted, and fined a penny and costs. The records do not show that he was ever subjected to any sentence whatever. As it was with the Register of Deeds, so it was with the Clerk of the Court and the Sheriff and his deputies, and as it was in Orange, so it was in Anson, Rowan, Mecklenburg, and various of the other counties.

Tryon himself said that, from various causes, partly from the embezzlement of the sheriffs, not more than one-third the tax levied was paid to the public treasury. The defalcation of the sheriffs occurred for many years, so that the total indebtedness of the various ones in the several counties amounted to more than sixty-four thousand pounds in 1770. In every county there were defalcations on the part of the sheriff or one of his deputies, and in most instances, on the part of more than one. It was a harvest time in general for county officials—a time for court-house rings and court-house cliques.

The grievances were further heightened in communities where almost all debts were small by the manner of collecting them. Under the law at that time, all sums over forty shillings were sued for and recorded in courts of record, thereby creating an immense business for the minor courts with clerk's fees and other costs corresponding, so that the extortion of county officials, as Judge Haywood said, "fell with intolerable weight upon the people." This was undoubtedly true, for in one case on record, the cost equalled fourteen times the amount involved.

Of the thirty-four county court clerks in 1772, only eight or nine had complied with the outstanding requirement to furnish the governor with a table of their fees, accompanied by a certificate that such tables were put up in their respective offices. Treasurers failed to account with the assembly. The sheriffs confessed that they had observed several deficiencies in their collections, but they added that "in the confused state of the province, from the turbulent dispositions of factions, cabals and dangerous insurrections, it could not with reason be supposed that sheriffs,

more than magistrates and other officers could fully discharge their functions." Temptation to irresponsible corruption was the rule and not the exception in every office, and as a matter of course, "Corruption stalked abroad throughout the land, unconcealed, unawed and unabashed."

The first formal complaint was made in June, 1765, in the famous Nutbush paper of Granville County. This paper set forth the grievances under which the people professed to labor. It complained of illegal exactions of lawyers and clerks, and declared that "few of you have not felt the weight of these iron fists." Fuller complaints were made in Orange and Anson in 1766. Protests were sent to the Assembly, but there was no redress of grievances. That these grievances were real and not imaginary no one denies. The mild protests of 1766 and 1767 went unheeded and the era of force and threats began. The sheriff was warned that any effort to collect tax would be at his peril. He did not heed the warning and seized a mare, bridle, and saddle for taxes and was subjected to severe punishment for his action.

The unhealthy situation, with no redress of grievances for the oppressed, resulted in the War of the Regulation, which culminated in the battle of Alamance. The local benefits which resulted from the revolt were the regulation of attorneys' fees, the directing of sheriffs in levying taxes, inferior courts were authorized to establish tobacco ware-houses wherever needed, county officers of importance were placed under bond, and provision was made for a more speedy and cheaper collection of small debts. These improvements came during the last years of colonial government. Soon there was to be a more significant revolt; the Royal Governor, Martin, was to "seek refuge on the Wilmington sloop-of-war," and saner provisions of government were to be enacted.

Having seen the character of the population, the land system, the local administration of justice, the county officials and their fraudulent extortions, there remains but one other significant point in the county government of colonial North Carolina, namely, the representation of the county in the Assembly.

COUNTY REPRESENTATION IN ASSEMBLY

When Bath County was erected, it was with the provision that the precincts of the territory could send only two members each to the legislature, while those of Albemarle were allowed five each, and from this early difference in representation, though at first the precincts of Albemarle were much larger and much more populous than those of Bath, there grew up a system of unequal representation which was ever thereafter a subject of frequent disputes and controversies. The system became a gross injustice to the large and populous western counties, and contention was not out of order.

Representatives were voted for by "all freemen," the qualifications required from the electors being a freehold of fifty acres, and six months residence in the county. Foreigners born out of the king's allegiance and not "made free," (presumably naturalized) "negroes, Mulattoes, mustees, and Indians," were not allowed to vote. Every voter, then as now, was required to be twenty-one years of age. The elected were required to have a freehold of one hundred acres and to have been for twelve months a resident of the county.

The earliest elections in North Carolina are interesting enough. The sheriff presided and took the vote which the freeholders cast, and those who were absent from the polls were liable to be fined. "All voted openly and aloud without the intervention of the speaking ballot. The candidates sat on the magistrate's bench above. The sheriff stood at the clerk's table below; called every voter to come and how he voted. The favorite candidate invariably bowed to the friend who gave him his vote, and sometimes thanked him in words. All over the house were men with pens and blank paper, who kept tally, and could at any moment tell the vote that each candidate had received. . . . The election over and the result proclaimed by the sheriff, forthwith the successful candidates were snatched up, hoisted each one on the shoulders of two stalwart fellows, with two more behind to steady him, and carried thus to the tavern . . . where there was a free treat for all at the candidate's charge."

Later every voter was required to vote by ballot, signed with his name, and the returning officer was authorized to question the voter upon his oath whenever he doubted his qualifications or suspected him of having previously voted elsewhere. Whenever the returning officer knowingly received an illegal vote, he was liable to pay, first a fine of twenty pounds to the governor to be applied in building a court-house, church or chapel somewhere in the province, as the governor might direct; secondly he was answerable in damage to a like amount, recoverable by an action at law in any court of record, "at the suit of any person who by a majority of votes ought to have been returned."

CONCLUSION

The climate, natural environment, land system, and the habits of life of North Carolina colonists evolved the county as the natural type of their local government, of which the county court was the pivotal factor. County government in colonial North Carolina has been studied thus minutely inasmuch as through a correct understanding of the system of local government, the system in the administration of which the people were the least checked by the mother country, we learn their methods of administering justice, get an insight into their methods of government and their conception of justice, and thus the character of our forefathers is visualized to us. Dr Battle is probably correct when he says that no people can have the best "self respect who are not familiar with the deeds of their ancestors." This inquiry has been made with that thought constantly in mind. The county system of ante-Revolutionary North Carolina has been studied thus in detail, furthermore, in view of the fact that it served partially as a model, though considerably less than either Virginia or Massachusetts, for similar institutions in the South and Southwest.

In this system of government, the dominant idea was gradation of power from the governor downward, not upward from the people. There seems to have been centralization in government but decentralization in other things. The necessary tendency to strong centralization was often counteracted, however, by the

individuality of local offices. But the system offered many loopholes for corruption and possessed absolute evils. There was no responsibility to the people, and in view of that significant fact, it is not remarkable to find many instances recorded of malfeasance in office. Considerable changes have been introduced in the county system of North Carolina since the Revolution; but so long as North Carolina remains primarily an agricultural state so long will her local political life be moulded upon the plan which has prevailed for more than two centuries.

SOURCES

In the preparation of this paper, I have made constant use of the recent History of North Carolina by S. A. Ashe, and of the Colonial Records, as sources. I have investigated all of the histories of North Carolina in the Library of the University of North Carolina, in fact, but I have checked the statements that I have gotten from the older of these works with the Colonial Records. I have found Dr. Raper's work on English Colonial Government particularly valuable. In dealing with the period prior to the War of Regulation, articles of Bassett, Connor, Sikes, and Weeks have been found very helpful. For specific purposes the works on the local institutions in early Virginia, Maryland, and the New England Colonies have been investigated.

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CONTENTS

The North Carolina Constitution of 1776 and Its Makers
The German Settlers in Lincoln County and Western North Carolina

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CONTENTS

THE NORTH CAROLINA CONSTITUTION OF 1776 AND ITS MAKERS - - - - -	9
THE GERMAN SETTLERS IN LINCOLN COUNTY AND WESTERN NORTH CAROLINA - - - - -	28

THE NORTH CAROLINA CONSTITUTION OF 1776
AND ITS MAKERS

By
FRANK NASH



7

THE NORTH CAROLINA CONSTITUTION OF 1776 AND ITS MAKERS*

Mr. President and Gentlemen of the North Carolina Historical Society:

I am glad to be with you tonight. I esteem it both a privilege and an honor to address this venerable Association. I have chosen a somewhat hackneyed subject—The Constitution of 1776 and Its Makers—but, from the nature of that constitution and the difficulties under which it was conceived and promulgated, it must have a perennial interest to North Carolinians.

If I were forced to select the year which best illustrated the character of the people of North Carolina, in all the years of its history, from Roanoke Island to the present, I should choose the year 1775—a year of suspense and yet of action and of preparation. The last Colonial Assembly had met in New Bern April 4th, only to be dissolved by the irate governor Martin, on the 8th. The second Provincial Convention had met at the same place, April 3rd and had adjourned on the 7th, after empowering John Harvey, or in case of his death, Samuel Johnston, to order, at his discretion as to time, an election of delegates for a third convention at Hillsboro. The battle of Lexington had been fought April 19th, and the news of it, by express, had entered the province Wednesday, May 3rd, and, passing by Edenton, Beaufort County, Bath, New Bern, Onslow County, Wilmington and Brunswick, had left it at the Boundary House, Tuesday, May 9th. Governor Martin the last week in May had fled from New Bern and, on June 2nd, had taken refuge at Fort Johnson. Finding that fort not secure from attack, he had had it dismantled and had boarded the “Cruizer”, sloop of war in the Cape Fear river. The battle of Bunker Hill had been fought June 17th, and troops and munitions of war were being hurried to America by the British government, and its Atlantic fleet was hovering off the coast. A large majority of the Regulators in Orange, Guilford, Rowan, Surry and Anson, and nearly all the Highland-

*A paper read before the North Carolina Historical Society, February 5, 1912.

ers in Cumberland, were still loyal to king and parliament. Here and there throughout the province, too, were groups of men—merchants, officeholders and their dependents—who were no less loyal, while everywhere and in all sections were to be found neutrals,—those who from constitutional timidity, or conservatism, could not take a decided stand; and in the extreme east and middle sections of the province were many Quakers,—all non-combatants. Over against these were the patriot Whigs, a minority of the people of North Carolina, at that time, but led by the best, the wisest, the boldest and firmest of their neighbors,—men whose character and attainments gave greater force and power to the movement, than mere numbers could give it. These in the latter part of 1774 and early in 1775 had organized Committees of Safety confessedly exercising a usurped, but very necessary, authority, governed with an extraordinary firmness and boldness, tempered, however, by as remarkable moderation and wisdom. They dealt strictly with open foes,—they must recant or leave,—but very tenderly and considerately with those who might be won to the cause. These, unmolested, were either left to persuasive force of events as they unfolded, or were tactfully urged to make common cause with their neighbors, in resistance against oppression. The power these Committees exercised was practically absolute. It could not be efficient without being so,—but it was rarely exercised oppressively. The public safety, with foes at home and abroad, was, of course the supreme law, and all who threatened it must be dealt with firmly and expeditiously. There could be no half measures here. Safety could be found only in overawing foes about them, while they prepared to meet those from abroad. If this application of the law of self defence worked hardship to individuals, it was because they were willing to put themselves in opposition to it, and, doing so, they must bear the consequences.

These Committees in reality constituted the only civil government in the province, though Governor Martin, before he was driven from New Bern, by the Committee of that town and after he had taken refuge in the sloop of war, "Cruizer," pretended to exercise the functions of government. He was, however, a mere

paper governor, enforcing his authority by paper proclamations; dangerous only from his intrigues with the Highlanders, Regulators and negro slaves. There were no courts, save those of justices of the peace and a few courts of Oyer and Terminer, held, by order of the Assembly, in the fall of 1774 and the early summer of 1775 by Alexander Martin, Francis Nash and Richard Caswell. There was no military organization, except a few independent companies and the militia, which in some counties was preparing itself for defence by more assiduous drilling and more frequent musters, though men, everywhere, were looking about them for implements of destruction, furbishing old arms, purchasing new, seeing that their powder horns and bullet pouches were filled, and anxiously searching everywhere for the source of a new supply of powder and lead, when the old should be exhausted. Away from the mail route in the east men ran together at the coming of every chance traveller to hear the latest news, and the mail, itself, with its rare newspaper, containing the latest from Virginia or Massachusetts, drew great crowds. And yet throughout it all there was little excitement. Awed men were by the stately movement of great events, curious as to the present and solicitous as to the future, but they were ready to meet that future with steadfast firmness and undaunted courage. There was practically no civil government, practically no courts, yet among a populace, in some sections so free and independent that they were almost in a state of nature, there was no anarchy and little lawlessness. It was the Anglo-Saxon at his best,—preparing to defend his imperilled liberties in the midst of revolution. There was no dethroning of God to set up a Goddess of Reason; no chattering and shrieking and running hither and thither; no following of harlots and foul-mouthed fishwives to rapine and arson and murder; no savage slaughter of the innocent; no insane revelling in blood for vengeance's sake; in short no guillotine, no Robespierre, no reign of terror. Instead, their instinct for self government asserted itself, and, at the call of Samuel Johnston, they met at Hillsboro in August 1775 to organize and set in motion the machinery for the new state. They did not know that they were forming a new state; they did not

intend their action to be understood as a declaration of independence. But that was the interpretation put upon it by the British government, and from the vantage ground of the accomplished fact, viewing the sequence of events we can see plainly that the British Government was right in this interpretation; that St. Matthew's church, Hillsboro, was the birth place of the State of North Carolina, and the birth time was the twenty days in August and September 1775, during which the first Provincial Congress met at that place.* The Whig leaders there were wise and moderate and conservative, almost beyond understanding. They insisted even after the Battle of Lexington and when the British Government was sending armies and fleets to coerce them, that they might take up arms against that government while they remained loyal to the person and dynasty of the king, a position that is totally indefensible to the lawyer and statesman, and many of these leaders were lawyers and statesmen. The very test which they prepared for the members of this congress to sign and which they all signed, began, "We, the subscribers, professing our allegiance to the king, and acknowledging the constitutional executives powers of government," &c., then they proceed and assume all the functions of government itself, executive, legislative and judicial. It was not timidity that caused this, but a strong disinclination to break the old ties and offend against the old tradition.

*Says Hegel in his *Philosophy of History*: "In the history of the world something else is generally brought out by means of the actions of individual men than they themselves aim at, or attained than they directly know of or will; they achieve their own ends, but something farther is brought to pass in connection with their acts, which also lies therein, but which did not lie in their consciousness or purposes." As in the instance given in this paper, Captain Ashe, it seems to me, disregards this principle, when he attempts to attach the oral tradition of a Mecklenburg Declaration of Independence to the Resolves of May 31st. An oral tradition of such declaration presupposes a general understanding, or consciousness, among the actors themselves, that they were declaring independence. There is no more in these Resolves to constitute them a conscious declaration of independence than there was in the action of the Hillsboro Congress. That they appeared to Governor Martin, and appear to us, to have been in practical effect, a declaration, is not important, if they were not a conscious declaration by the actors themselves, and the evidence is very strong that they were not.

tions. The sanctity of their oath of allegiance, the many ties that bound them to the mother country, the home of their fathers, from which they had derived all their liberties, the dangers of an untried democracy, all, gave them pause until every hope of a peaceful issue was utterly gone. In this, too, they were but reflecting the sentiment which prevailed in the Continental Congress. Hooper, Hewes and Caswell, the delegates to that Congress, were all at Hillsboro, and no doubt went there with the intention of repressing any premature, untimely and unwise action, and Hooper was the author of the Address to the people, made by the Congress, which went even further than the Test in assuring the world of their loyalty to King George and their disinclination to independence. Notwithstanding this, however, they proceeded to create a state and to give it a temporary form of government. They appointed a Provincial Council and provided for District and local Committees, and conferred upon them plenary powers; they organized the military,—Continental, minute men and militia,—and appointed the officers thereof; they emitted paper money and provided for its redemption from the proceeds of a specific tax; in short they took to themselves and exercised all the functions of government. The form, itself, was, it is true, crude, yet it was efficient and served its purpose well. Events, however, were moving too irresistibly for those who would stay them. On April 12th 1776 the Provincial Congress at Halifax instructed its delegates to the Continental Congress to vote for independence. Logic and consistency, feeble always in great crises, yielded to the compelling demands of conditions. Having thus clarified the atmosphere by removing themselves from a false position, these makers and builders of a state sat themselves down to frame a written constitution for it. On April 14th a committee was appointed to prepare a temporary civil constitution, with such men as Samuel Johnston, Abner Nash, Cornelius Harnett, Thomas Jones and Thomas Burke, on it. The term, temporary, was used, probably, because the intention was that this constitution should be in effect only until the difficulties between Great Britain and America had been composed,—in this following the example of South Carolina, whose recently adopted

constitution they had before them at the time. It is a little remarkable that in all of the discussions of a constitution and form of government, there is nothing said of their reason for deeming a written constitution essential. Why, in other words, did not these constitution makers content themselves with a declaration of independence and simple legislative action thereupon in the establishment of a new government? There seems never to have been any suggestion that a written constitution was not necessary. On the contrary, from the beginning, they assumed that it was. The following it seems to me explains this:—1st. The Declaration of Independence, left them without a government, without laws, without a constitution, as though marooned upon a desert island, to use Judge Ashe's phrase in *Bayard vs. Singleton*. The words Constitution and constitutional had a well known signification to them and were frequently used by them, long before their separation from the British government. They were constantly appealing to the British Constitution in defense of their resistance to the oppressive Acts of the British Parliament. Now that constitution was partly written and partly unwritten; written, *Magna Carta* of King John and King Edward I, the *Petition of Right*, the *Habeas Corpus Act* and the *Bill of Rights*; unwritten, the immemorial principles upon which the government had been administered, found in precedents, legislative and judicial and the immutable laws of justice, reason and right:—the first, plain, simple and direct, couched in language understood of all, and always successfully appealed to in defense of a private right or in the remedy of a public wrong; the last, nebulous and at large, not capable of practical application in public affairs. So when they come to make their constitution of government as they called it, it must be written,

2nd. They were familiar with the operation of the New England Charters, and knew how often they had stood between the freemen of these provinces and public outrage or private wrong. Indeed Samuel Johnston refers to the Charter of Connecticut as its Constitution at this very time. Seeing then that chartered rights are always better safeguarded, they must charter their own rights.

3rd. They were revolutionists. They were setting up a new state. The questions the world would ask, and which it had a right to ask, would be these:—What kind of government are these insurrectionists to set up? Are they capable of self-government? Is there to be a newcomer among the nations of the earth, or are these American colonists factionists and rebels, soon to be crushed into obedience by the power of Great Britain? So, for political, almost world wide reasons, they must write their constitution.

However this may be, immediately upon the appointment of this committee, it entered upon the consideration of a permanent constitution, and divergence of views appeared as soon as the subject was opened. It was at this Congress, that of April 1776, that the discussion was hottest and most bitter, yet Willie Jones, who is generally credited with having been leader of the Radicals, was not a member and was not even present in Halifax, having gone to Charlotte, Georgia, as Superintendent of Indian Affairs. John Webb was the member from Halifax elected to take Jones' seat.* Nor was Richard Caswell a member of this committee, though he was a member of the Congress and present. The Committee sat every night. Of course the discussions, at first, were general, in which probably each member expressed his individual views. It developed that a few of them were advocates for Franklin's plan of a single legislative body. They soon yielded to the sentiment against it, and the crucial difference was reached. The majority inclined to a pure democracy; the minority under Johnston, leaned to representative republicanism, with constitutional guarantees to individuals as well as minorities against arbitrary legislation. In a special degree, they advocated the independence of the judiciary, by providing that they should hold office during good behavior and should be elected by the legislature or appointed by the governor, with the consent of the Council, or the Senate. The limitation of the suffrage, also, caused much discussion, many of the members of the committee being in favor of manhood, as opposed to freehold, suffrage. It is supposed that the leaders in this free suffrage movement, at

*10 C. R. 502.

that Congress, were Thomas Person of Granville, Waightstill Avery of Mecklenburg and Matthew Locke of Rowan, and all the indications are that they had, at first, a majority with them. Samuel Johnston wrote to Iredell on April 17th:—"I must confess our prospects are at this time very gloomy. Our people are about forming a constitution. From what I can at present collect of their plan, it will be impossible for me to take any part in the execution of it." On the next day, the 18th, he withdrew from the committee in disgust, but difficulties were smoothed over by Thomas Jones, and he again took part in the deliberations. On April 25th the committee reported a "temporary Civil Constitution," which on the next day was debated in the Committee of the Whole.* This debate developed an even greater diversity of opinion in the Congress than had appeared in the committee, and on the following Tuesday the whole subject was laid aside. On April 30th a committee was appointed to propose a temporary form of government until the end of the next Congress, thus indicating that the formation of a permanent constitution was to be the principal work of that body. Indeed Thomas Jones wrote to Iredell on May 7th:—"The Constitution for the present is over, and will be taken up again next October." The temporary form of government adopted by this Congress was very similar to that adopted by the Hillsboro Congress, with an abolition of the Dis-

*Thomas Jones in his letter to Iredell, April 28th, 1776, 1 McRee's Iredell, pages 277-8, says:—"You must pardon me for not giving you a line ere this but if you really knew the amazing fatigue of business several of us have gone through, you would, I am fully assured, most readily forgive me. In my time I have been used to business, both public and private, but never yet experienced one-fourth part of what I now am necessarily obliged to undertake—we have no rest either day or night. The first thing done in the morning is to prepare every matter necessary for the day—after breakfast to Congress,—there generally from 9 to 3 o'clock—no sitting a minute after dinner, but to the different committees; perhaps one person will be obliged to attend four of them between 4 o'clock and 9 at night—then to supper, and this generally brings us to 12 at night. This has been the life I have led since my arrival here,—in short I never was so hurried. . . . The Constitution goes on but slowly. The outlines of it made its appearance in the House for the first time yesterday, and by the last of this week it, probably, may be finished. The plan as it now stands will be subject to

trict committees, a change of names, and some change of the personnel of the old Provincial Council, now, the Council of Safety. Among others, Samuel Johnston was superseded by Willie Jones as the representative of the Congress on this new Council. It is here that we have the first evidence of a partisan division among the patriot leaders of the Revolutionists. On August 8th, the Council of Safety in session at Halifax resolved, "that it be recommended to the good people of this now independent state of North Carolina to pay the greatest attention to the election to be held on the 15th day of October next of delegates to represent them in Congress, and to have particularly in view this important consideration. That it will be the business of the delegates then chosen not only to make laws for the good government of, but also to form a constitution for this state, that this last is the corner stone of all law, so it ought to be fixed and permanent, and that according as it is well or ill ordered, it must tend in the first degree to promote the happiness or misery of the state." They recommended also that five delegates be sent from each county. Jones in his *Defence* regards these resolutions as a partisan movement against Samuel Johnston, but he is notoriously prejudiced against the radicals, and in favor of the conservatives, especially Samuel Johnston. It is much more probable that they had no such evil motive, as on their face they are eminently appropriate. However this may be, it is certain that a great

many alterations; at present it is in the following manner:— 1st, a House of the representatives of the people—all freeholders of one year standing to vote; and, 2nd, A Legislative Council—to consist of one member from each County in the Province—to sit as an Upper House, and these two Houses are to be a check on each other, no law can be made without the consent of both, and none but freeholders will have a right to vote for members of this Council. Next an Executive Council, to consist of a President and six Councillors; to be always sitting; to do all official business of the government—such as managing the army, issuing commissions, military and civil, filling up vacancies; calling two branches of the legislature together; receiving foreign ambassadors, &c., &c. The President and Council to be elected annually, as also the Assembly and Legislative Council—but have some reason to believe the President will have the right to be chosen yearly for three years successively, and no more until the expiration of three years thereafter. So much for the outlines of the Constitution." All of which shows the influence of the previous South Carolina Constitution.

effort was made during the summer and fall to defeat the more prominent conservative leaders at the election on October 15th. and thus prevent their influencing the form of the constitution which was to be adopted at the next Congress. These efforts were successful in some instances. Mr. Johnston was not only defeated in Chowan, but his defeat was celebrated, says Dr. McRee, "with riot and debauchery, and the orgies were concluded by burning him in effigy " Burke was excluded in Orange, and Spencer in Anson. William Johnston was returned for Hillsboro only after a vigorous contest, followed by a petition against his return. Abner Nash in New Bern, and Thomas Jones in Chowan were also vigorously opposed but were successful, as were Archibald Maclaine in Brunswick and William Hooper in Wilmington. In a majority of the central and western counties, however, the Radical element predominated and was successful at the polls. When Congress met then on November 12th, 1776, a majority of its membership was radical. On the 13th it was determined by a vote of 17 counties to 8, that all questions for the future should be settled by voice and not by counties and towns. Richard Caswell, Thomas Person, Allen Jones, John Ashe, Abner Nash, Wiley Jones, Thomas Jones, Simon Bright, Christopher Neale, Samuel Ashe, William Haywood, Griffith Rutherford, Henry Abbot, Luke Sumner, Thomas Respis, Jr., Archibald Maclaine, James Hogan, and Hezekiah Alexander were on the same day appointed a committee to form a Bill of Rights and a Constitution. Hewes, Harnett, Sharpe, Spicer, Waightsill Avery, Mr. Eaton, Mr. Birdsong, and Mr. Irwin were afterwards added to this Committee. On December 6th Thomas Jones for the committee reported the form of a constitution, and it was debated at set times until the 18th, when it was adopted. Samuel Johnston, who was one of the treasurers of the state, had come on to Halifax to settle his accounts, saw a copy of this constitution at the time it was introduced, and was content with it, except one provision, that allowing the justices of the counties to be elected by the people of the county. In the House, this provision was stricken out, and a substitute adopted requiring them to be appointed by the governor upon recommendation of

the representatives of the county, and that they should hold their office during good behavior. It is quite probable that this was the only material amendment made by the Congress, though in the progress of debate it appears from the journal that it was amended three times. The Declaration of Rights was reported on the 12th, amended only once and adopted on the 17th. It is perfectly evident from this recapitulation of the main facts which led up to the adoption of the Constitution of 1776, that a great change had been wrought in the sentiment of the leading men of the state, between the congress of April and that of November. And it seems to me that the secret of the change is to be found in the fact that in April they had few precedents to guide them, whereas in November they had the constitutions of South Carolina, Virginia, Delaware and New Jersey. With these it was much easier to form a constitution which would be satisfactory to a majority of the members of Congress, than it would be to make one out of material to be found at large, or to be evolved out of their inner consciousness, as was the case in April. The truth is that the precedent set by these previously adopted constitutions, particularly the Virginia Constitution, and Bill of Rights, one written by George Mason and the other by Thomas Jefferson, and none of which was more democratic than the N. C. constitution, presented the most convincing argument to the radical element in the November Congress. The very fact that so important a measure as a constitution should be discussed in Congress only parts of four days and should be amended only three times shows this. The Declaration of Rights went through even more expeditiously, and I doubt exceedingly whether any more important amendment was made to it than to change its title from Bill of Rights to Declaration of Rights, the reason for which is evident.

The Declaration of Rights was an adaptation of the fundamental principle of British liberty to a new form of government in which the people were to be supreme. The constitution minimized the executive power to the lowest point possible, consistent with any efficiency at all, while it secured the absolute independence of the judiciary—radical in the first instance, conservative

in the last. It created two electorates, one for the Senate, based on ownership of a freehold interest in fifty acres of land within the county, six months before the election and twelve months residence; the other for the house of commons, on free manhood, coupled with twelve months residence and public tax payment. It gave the General Assembly sole power to elect all state officers, generals and field officers of the militia, all officers of the regular army of the state, judges and practically all justices of the peace, for they could be commissioned by the governor only upon recommendation by members of the Assembly. To be eligible as senator, one must have possessed in fee 300 acres of land; as member of the House, 100 acres, either in fee or for the term of the proposed member's own life. The only check provided on the enormous power given the General Assembly, a body of the larger land owners, was annual elections. "After all," says Samuel Johnston, "it appears to me that there can be no check on the representatives in a Democracy, but the people, themselves, and in order that the check may be more efficient, I would have annual elections." I will return to this a little later when I come to discuss the constitution in its larger aspects. Each county was to be represented by one senator and two members in the House, while the towns of Edenton, New Bern, Wilmington, Halifax, Hillsboro and Salisbury were continued as Boroughs and each was entitled to one representative in the House. The governor must be thirty years of age, must have resided in the state more than five years and own a freehold interest in land of a greater value than \$2000. He was to be elected annually, and was ineligible for re-election more than three years in any six years. These briefly stated were the general features of this constitution, and it is evident that it is, largely, the work of the Conservative minority, rather than the Radical majority, though Mr. Johnston does write of the Congress which adopted it,—"Every one who has the least pretensions to be a gentleman is suspected and borne down *per ignobile vulgus*, a set of men without reading, experience or principle to govern them."

Viewing the completed work of this Halifax Congress, at large, and in the light of the conditions and difficulties under which it

labored, it is imposing in its simplicity, in its adaptability and in its foresight. It can not, strictly, be called democratic as we understand the term, but it was progressive, as compared with the existing English conception of the state, with landownership as its sole foundation. Though progressive, it remained still a state whose constituent elements were found rather in its culture than in its people as a mass. It was a representative republic, founded on landownership and free manhood and tax paying suffrage. The governing body was the Assembly, and the individual tax payer had as much to do with the selection of that, as had the landowner, he being specifically represented in the House of Commons, while the landowner was specifically represented in the Senate; and it must be remembered, too, that at that time land was so abundant and so cheap, that only the shiftless could not own a freehold interest in fifty acres of land. The only provisions, that, in any reasonable view, tend towards an aristocracy, are those which require the governor to own \$2,000 worth of land, Senators 300 acres and Members of the House 100 acres.

Taken as a whole, this Constitution was a distinct contribution to the political science of the times. The fundamental rights of man, according to all writers, except the Socialists who were not then known, are the rights of personal liberty, personal security and private property. A scheme of government which should fail to provide adequate security for property would be as defective as one that would fail to safeguard personal liberty and personal security. Not that property should be exalted above the man, but that it should have equal protection from the state. Now where a population is illiterate, inexperienced, untried, as, speaking generally and comparatively, a majority of the people of North Carolina were then, property has no adequate protection under a government founded on universal suffrage, and, lacking protection from the state, it proceeds to protect itself by corrupting and debauching the voters and their leaders, or bosses, as is the expressive modern term. It buys votes either at the polls, or in the halls of the legislature. The makers of the constitution of 1776 knew this, as well as we know it now when the whole country has been, for years, ringing with the disclosures of corruption on al-

most every hand, all of which, in my opinion, is directly traceable to the conferring of the suffrage upon a foreign and inexperienced, or a reckless and unscrupulous, electorate. Some of us are applying the hair of the dog to the bite,—in the initiative, referendum and recall. It is curious that all these are based upon the principles announced by Samuel Johnston in 1776, though derived by him from Montesqueiu,* that there can be no check upon the democracy but the people themselves, and therefore he would have annual elections. We departed from this most democratic principle in the Constitution of 1776, at the behest of Business, but now we are to return to it, as a protection against Business.

In limiting the suffrage, then, the makers of the Constitution of 1776 were wise, in their day and generation.

They were wise also in this:—they were not frantic Reformers, but sober, earnest builders. They did not then reject the tried material at their hands, but used it and shaped it and fitted it into their new building. Only one stone of it did they discard absolutely and replace with something new. They cast aside as useless rubbish the sovereignty of the king and chose, instead, the sovereignty of the people.

Said Julius Hare, many years ago:—“If a government is to stand a storm, it should have a strong anchorage; and that is only found in the past.” Again they were wise in understanding the nature of a Bill of Rights and of a constitution. To them the Declaration of Rights was a “charter of liberties to the individual, and a limitation upon the power of the state,” while “the Constitution was the fundamental law of the state, containing the principles upon which its government was to be based and regulating the division of the sovereign powers, directing to what persons each of these powers is to be confided and the manner in which it is to be exercised.” They stated in the plainest and most direct language the principles upon which they had deter-

*The copy of Montesquein: *Spirit of the Laws*, read by the writer, had formerly belonged to Governor Abner Nash, his ancestor, and no doubt was used by him while the Constitution was being constructed.

mined to found the government, provided the simple machinery therefor, and then stopped. Nowhere in it appears that modern distrust of legislatures, which manifests itself by including in constitutions matters that should be left to legislation as more responsive to the people's will. Changed conditions and the new problems which they present may call for a modification of the machinery of government. They can never be an adequate excuse for making the fundamental law so minute and elaborate, as to constitute it a hindrance to beneficial legislation, instead of a promoter of it. Elaboration of constitutions, now, really shows as much distrust of people's capacity for self-government, as suffrage restriction did in the older constitutions. If the widespread, insistent, almost blatant, demand for the people's control in all governmental affairs is not pure cant and hypocrisy, politics for politics sake, the next great movement will be towards the simplification of our fundamental law—a return, indeed, to first principles, from which we have greatly departed.

It is impossible now to specify with particularity the part any one of the great men, who considered the subject, took in the formation of the Constitution of 1776. We are familiar with the points of view of Samuel Johnston and Thomas Jones through McRee's Life of Iredell.* We know that Thomas Burke was very much interested in the legislative plan, and that Cornelius Harnett was largely responsible for limiting the executive power. Beyond this all is surmise. From Richard Caswell's recognized prominence and ability, as well as the fact that he was the first governor under the constitution, we may safely infer that his great influence was exerted in its formation and adoption. The same may be said, though less positively, in regard to Abner

*All the evidence tends to show that Thomas Jones took the leading part in the making of the Constitution. "They" [the Declaration of Rights and Constitution] says Jones in his *Defense*, page 287, "are said to come from the pen of Thomas Jones, aided and assisted by Willie Jones. I find in one of Governor Johnston's letters, that he alludes to it as Jones' Constitution, and the reader will observe that Thomas Jones was throughout the organ of the committee." There is a very good sketch of Thomas Jones' life in the 4th volume of Van Noppen's *Biographical History*, page 256 *et seq.*

Nash, the second governer, who was also prominent, able and influential. The Ashes, the Joneses, Avery and Maclaine were likewise on the committee, and all of them were men of character and ability, and no doubt contributed to the final result.

Though we can not select from among these men, the names of those to whom most credit is due, nor can we truly call them great constructive statesmen, we do know and can assert with the utmost confidence that never was there a government established in the midst of a revolution, that was more moderate in form and more suited to the genius of the people for whom it was formed. That is the most pregnant circumstance in the whole matter. The wisdom of its builders was shown not only in the selection of the material from which it was built, but also in their rejection of all that was unsuited for the structure. Not brilliancy, not genius, but sound common sense and excellent judgment were shown in it all. For this, the state owes them a debt of gratitude, which it can never repay. There may have been demagogues among them, idealists, theorists and men of narrow and contracted minds and outlook, but they made no, or very little, impression upon the completed instrument. We do not do things so well in this day and generation. About half our legislation and constitution making is to provide palliatives, not remedies, for evils occasioned by former defective, or unphilosophical, legislation, enacted at the behest of the idealist, or demagogue.

Do not understand me as "viewing with alarm" the present, or as having any spasms of regret for the past. Not at all. Each period has its own problems. In our east, we have met them as they arose, effectively and well, and, as I see no signs of decay in us as individuals, or as a people, on the contrary much improvement; we may be sure that, in the fear of God, we can cope with the future and its problems as well. The tendency of the times is toward vesting more and more power in the hands of the people, and, assuming that that people is God-fearing, is experienced, is instructed, and is self-controlled, a democracy is the highest form of government, giving strength to the people and receiving strength from them. The wiser statesmanship of the times, perceiving this tendency, does not resist it, but seeks to make the

people more and more fit, and thus in the course of time it shall come to pass that there shall be no more demagogues and charlatans, no more blind partisans and self-seekers in all the land.

NOTE: In writing this paper I have used my own Hillsboro, Colonial and Revolutionary freely; have verified all assertions by the Colonial Records, and have consulted with interest and found valuable both Ashe's History and Judge Connor's Introduction to his and Mr. Cheshire's Annotated Constitution of North Carolina.

THE GERMAN SETTLERS IN LINCOLN COUNTY
AND WESTERN NORTH CAROLINA

BY
JOSEPH R. NIXON

THE GERMAN SETTLERS IN LINCOLN COUNTY AND WESTERN NORTH CAROLINA

CONTENTS

CHAPTER I

THE GERMAN MIGRATION

- Causes of Migration
- Removal to North Carolina
- Character of the People

CHAPTER II

GERMAN LIFE IN NORTH CAROLINA

- Language
- Religion and Education
- Grave Yards
- Occupations
- Amusements
- Prominent Germans

CHAPTER III

THE RAMSOUR FAMILY

- Derrick Ramsour
- Jacob Ramsour
- David Ramsour
- Henry and John Ramsour

THE GERMAN SETTLERS IN LINCOLN COUNTY AND WESTERN NORTH CAROLINA*

INTRODUCTION

Lincoln County is situated in the hill country of the North Carolina Piedmont Belt. Furnishing a challenge to various activities, this section is abundantly favored by nature. Two rivers form a network of cooperative streams, the Catawba along the eastern boundary, and the South Fork with tributaries across the entire central portion. Nearby mountains, in splendid view, afford material aid. To the north and west are Baker's, Carpenter's, and other peaks of the South Mountains; more distant, in solemn grandeur, lies the upturned face of the Grandfather; still more distant and higher into the vault of the heavens are the purple peaks of the great Blue Ridge. To the south rising from fertile soil among other peaks is King's Mountain, on whose historic height was fought the memorable battle of the American Revolution that broke forever the power of the English Crown in America. The whole region is supplied in great plenty with mineral springs.

Prior to the year 1750 the valleys of the South Fork and Catawba Rivers were a primal wild. These fertile stretches with vitalizing mountain air and invigorating mineral water, were the habitat of red man and wild animal. Here the Indian's arrow and tomahawk contended with the sharp tooth and lacerating foot of fierce animal. About this date, 1750, two distant streams of settlers began to flow in. The Scotch-Irish took possession of the Catawba valley in the eastern portion of the county and the valley of the South Fork, about twenty miles to the west, came the Germans, the subject of this sketch.

*This paper won the Colonial Dames Prize in 1910.

THE GERMAN MIGRATION

1. Causes of the Migration.

Most of the pioneer Germans came to this section from the State of Pennsylvania. Many of them and the ancestors of the others had come to America from Germany. The migration was a result of various causes. Among the dominating motives that prompted departure from the home country were the quest of adventure, desire of freedom from political oppression, and wish to escape religious persecution. Those seeking adventure, in number very few, became hunters and trappers. Here they chased the fox, hunted the bear, shot the wolf, and trapped the beaver. Political oppression in Germany had resulted in desolating wars, and had cost many Germans their homes and personal rights. In America homes could be easily obtained and a man was able to have his own political code. Hence a large number of Germans had for their prime intent the desire of good homes and liberty of government. Possibly the greatest number came to America because of religious persecution. The Germans by nature are pious people and constitutionally endowed with love of freedom of conscience. Hostilities between the home government and outside countries, and the political cruelties incident to warfare, had unbearably restricted liberty of conscience. Thus cruelly imposed on at home, the Germans were ready to brave severe hardships to secure their coveted ideals. Not simply for adventure and economic gain did these people come to America; they had at heart liberty of conscience, enjoyment of civic rights, and welfare in home and family. The sum total of the causes of this migration was a constitutional longing for freedom, for liberty. To America they came. In the language of Wordsworth, "The bosom of no sea swells like that of man set free; a wilderness is full of liberty." Braving the hardships of a perilous sea voyage, facing probable financial embarrassments, they came to America in search of domestic, civic, and religious liberty.

2. Removal to North Carolina.

The greater number of Germans landed in Pennsylvania; many of them, however, did not settle there. Most of the land had already been occupied and consequently was expensive to purchasers. At that early date few people dared to cross the Alleghanies for purposes of settlement; so the seekers for new homes came southward. The German pioneers reached western North Carolina and began their settlement west of the great Catawba about the year 1750. As the news of cheap lands, a fertile soil, and a healthy climate was carried back, others followed. The new settlers continuously moved hitherward until the American Revolution. Coming from Pennsylvania, they were called the Pennsylvania Dutch, and they have since been so called by themselves and others.

The course of travel southward, pursued by these early Germans, is described by Colonel W. L. Saunders in his Prefatory Notes to the Colonial Records. He says, "The route these immigrants from Pennsylvania took to reach their future homes in North Carolina is plainly laid down on the maps of that day. On Jeffrey's Map, a copy of which is in the Congressional Library at Washington City, there is plainly laid down a road called 'The Great Road from the Yadkin Valley thro' Virginia and Pennsylvania to Philadelphia, distant about 435 miles.' It ran from Philadelphia thro' Lancaster and York to Winchester, thence up the Shenandoah Valley crossing the Fluvanna River at Looney's Ford, thence to Staunton River, and down the river through the Blue Ridge, thence southward crossing Dan River below the mouth of Mayo River, thence still southward near the Moravian settlement to the Yadkin River, just above the mouth of Linville Creek, and about ten miles above the mouth of Reedy Creek."

3. Character of the People.

The Germans selected fine land and settled beside a stream near a spring. The bottom land was more productive and much easier worked. The stream added to the productivity of the soil; and, in addition, furnished water for the farmer's horses, cows, sheep, hogs, and poultry. The nearby spring afforded the German

a double accommodation; it aided the housewife in point of distance, and it helped the settler in case of an Indian attack, for he could better stand a siege. Some homes were built entirely over springs; a few had secret connections with water by underground passages.

In the construction of his home the German followed the usual pioneer custom and plan. The first dwellings were built of immense hewn logs, having generally a single room, a loft overhead, and at one end a great stone chimney. The timbers were usually hewn on two sides; at either end notches were cut so that the logs were interlocked in a dove tail fashion. Windows and doors were provided by cutting spaces of the desired size in the massive logs before fitting the timbers in their permanent position. Though not commodious, these dwellings were comfortable and a protection against the savage. It was not long before homes more spacious and convenient were erected. Many of these latter-mentioned structures are still standing. They are large houses near springs, painted red, characteristic of the German. Near the dwellings were erected convenient outhouses and barns. In the outhouses were stored tempting hams and bacon, wheat and corn. The barns furnished a storage for feed and accommodations for cattle and horses. The barn was often much larger the dwelling-house. The paternal dwelling almost invariably passed to one child; other children erected homes near by. There was seldom an interchange of land between families. As a result to-day many of the descendants of these pioneers live on the ancestral homesteads. Industrious, thrifty, economical, believers in the purity of home life, these settlers were a substantial accession to this section.

GERMAN LIFE IN NORTH CAROLINA

1. Language.

The German encountered many perplexing obstacles that he had to overcome as a result of settling among people new to him; one of these difficulties was to learn the most extensively used language. The predominant race found here was the English; hence, a knowledge of the English language was a necessary acquisition. Unless he acquired a practical knowledge of it, the German experienced a great disadvantage and much embarrassment in such important matters as local customs, commerce, society, and politics. The acquirement of this knowledge was an indispensable accomplishment; equally essential was the Anglicizing of his own name and many of the words and idioms he knew best. These tasks were difficult of achievement. As the German was ignorant of the English language, so likewise the English were unlearned in the German speech, and there was no mutual arbitrator or conventional device to serve as a medium for Anglicizing German names and idioms.

In learning the English language and in transforming the names and idioms into English, the German generally followed the sound of words. So then, whether translating German words into English or acquiring the new English term, the German usually spelled and pronounced the new word according to its articulate elements. This method naturally had its defects. Each people possessed a native accent and the ears of each had been trained both through sensations and percepts to that native accent. As a result, a word would have one sound to an Englishman and a slightly different sound to a German. When errors were made in pronouncing, they would frequently occur in spelling. Consequently, there followed much confusion both in spelling and in pronunciation. Many words resulted that were spelled and pronounced differently in separate parts of the country and a large number were constructed and spoken in a variety of ways in the same community.

To obtain recognition in society and politics the task of Anglicizing the names was first necessary. Retention of the original German appellation was considered too unprogressive. The rendition of the names into English was effected by different methods. In many cases the English sound of the German word became the permanent name. For instance, the name "Gantzler" was given the English sound "Cansler"; in the same way, "Pfeiffer" became Phifer; Kneip, Canipe; Krauss, Crouse; Huber, Hoover; Roedisill, Rudisill; and Jundt, Yount. In many other cases a translation of the German name into its English meaning occurred. As an example, "Zimmermann" was translated into its English equivalent "Carpenter"; likewise Kuhn became Coon; Weiss, White; Stein, Stone; Schneider, Taylor; and Freytag, Friday. Different members of the same family sometimes employed both of the above methods, one adapting his name after the English sound and the other choosing the English translation. Later, other changes were made in one or both of these adoptions; so that in the course of time many German names originally the same were, and are today, spelled in a variety of ways. As an example, one name is variously spelled as follows:—Haas, Hass, Hase, Haws, Hoss, Hoes, Hose, House, Hauss and Huss. Along with the thoughts of these changes in names, one must also remember that some Germans held to their original cognomens, as Arndt, Reinhardt, and Hartzoge.

In an article concerning them, Reverend L. L. Lohr, of Lincoln County, tells of the following event which will illustrate concisely the five classes of German names above mentioned, which are those accepted by sound, by translation, by utilization of both these methods, by resultant variation and by retention of the original cognomen. Some years ago an old gentleman living in a German section of this country held a family reunion. As he had been blessed with a great offspring, a large number attended. His name was Klein. Among those of his great-grandchildren present were Peter Klein, John Kline, Jacob Cline, John Small, George Little, and William Short.

In early ages a person had only one name. Illustrations are furnished among the Biblical characters as Adam, Solomon and

David. People were not numerous and the family or tribal unit did not necessitate more than one appellation to designate each individual. As the number increased, an additional designation became necessary to avoid confusion. Among the Germans, names were selected and given in numerous ways. Many took names from their occupations, some from animals, streams, valleys, mountains, towns, and countries; others received their names from personal appearance, characteristics, or some particular thing or event that related to them. Instances of these facts can be seen in the names mentioned in the two preceding paragraphs and in the one following. Each name is significant and has interesting history connected with its origin if it could be determined. In the bestowal of given or Christian names, Adam, Abraham, David, Joseph, John, Andrew, and other Old and New Testament names were generally selected by the Germans.

Meriting special notice because of the interest in the words themselves, the names of these German pioneers deserve particular mention because of the splendid people they represent. An alphabetical list of one hundred of those sturdy pioneers settling in Lincoln County follows: Aderholt, Anthony, Arndt, Bangel, Benick, Beisaner, Beam, Bolinger, Boyles, Botz, Cloniger, Coulter, Delinger, Detter, Devepaugh, Deitz, Earhardt, Eddleman, Finger, Freytag, Forney, Gantzler, Gross, Haas, Hafner, Hager, Helderman, Hallman, Hartzoge, Houser, Heedick, Heil, Henkel, Hoke, Huber, Hull, Jared, Jonas, Jundt, Keener, Keever, Kililian, Kizer, Kistler, Klein, Kneip, Krauss, Kuhn, Lantz, Leep-er, Lorentz, Lehnhardt, Leonard, Lingerfelt, Link, Lockman, Lohr, Long, Loretz, Lutz, Michal, Miller, Mosteller, Nantz, Plonk, Propst, Quickel, Ramsauer, Reinhardt, Reib, Rinck, Rudisill, Saine, Scheidel, Schenck, Shuffordt, Scronce, Seigel, Shrum, Seitz, Shoup, Shull, Sifford, Sigmon, Spiegel, Strutt, Summerow, Taylor, Troutman, Tutherow, Warlick, Weber, Wechesser, Wehunt, Weiss, Wetzstein, Wisenhunt, Workman, Yoder, and Zimmerman.

The general use of the English language was accompanied by the same obstacles as was that of the proper names. The German tongue, as a vital transmitter of thought by sounds, pos-

sessed native accents; and the ear, as a live receiver, had become accustomed to those articulate sounds. So that when he first began using the English language, the German experienced much difficulty in exercising the organ of hearing so as to detect properly the English articulation and in manipulating the organs of speech so as to give the correct English pronunciation. In his earliest attempts to use English, the German spoke and wrote every word just as it sounded to him. Later he learned to distinguish those mistakes resulting from his accent; and though he could not then pronounce some words properly, he could write them correctly. The acquisition of the new speech by the people as a whole was gradual. A few gained a practical knowledge in Pennsylvania before coming to North Carolina; the large number did not acquire it for some time after settling here. The obtainment and use of English by the people as a body is most noticeable between the years 1820 and 1830. Before this time their own language was generally employed among themselves, English being used only when necessity required. After these dates, English was used in nearly all their spoken and written discourse. Through this constant employment of English, the German ear and tongue have overcome most linguistic difficulties. Today the original accent and idiom have almost entirely disappeared from the lingo of Pennsylvania Dutch. This is true of men who in childhood knew no other language.

Some of the difficulties that have not yet been surmounted may be seen in the interchange of certain letters. In speaking the German will often give one particular letter the sound of a certain other; but if writing, he will in many cases use this same letter correctly. For instance, in talking of his vineyard, the German would say he cultivated "grape Wines" and that he used the fruit to make "grape Vine"; in writing, he would use these letters in a correct manner. The most common interchanges are "v" and "w", "d" and "t", "b" and "p". These letters have given the Germans great difficulty. An elderly man relates that he went to school with some Dutch boys and the teacher, in his vain attempt to make the pupils give the letter "v" its proper sound, actually used the switch. One Dutch farmer owning a

triangular piece of land asked the surveyor to "wey a little wee" (meaning "V") for him. This surveyor often assisted them in "widing" land. Other examples of the interchange of "v" and "w" are "Villiam" for "William" and "wery" for "very". The interchange of "d" and "t" are seen in the following words taken from their speech and writing, each being accompanied by the term intended: site, side; mittel, middle; tohtar, doctor; teep, deep; frond, front; tiner, dinner; yart, yard; food, foot; wite, wide; and tram, dram; the use of "b" for "p" and vice versa, is illustrated in the following words: blow, plow: pene, been; bosts, posts; prast peem, breast beam; ubbar, upper; robe, rope; and peer, beer. The interchange of some of these letters can also be seen in certain of the family names of the County. Bangle and Pangle are really the same; likewise, Boovey and Poovey, Tarr and Darr. By the Pennsylvania Dutch Davy Tarr was called Tavy Tarr; it is now pronounced Derr. The reader can find an illustration of each interchange above mentioned in the following related incident. It was the custom of one venerable Dutch elder, when the preacher ascended the pulpit for the church service, to step into the door and, addressing the groups, which habitually assembled under the trees before the services began, proclaim, "De beobles will now come; te breaching is reaty."

In many German homes the German language was not entirely discarded even though English had been acquired and was used. The Germans loved their language and it was with sorrowful reluctance that they let it go. In most cases the children were taught only English. One man through whose veins flows pure German blood says his parents spoke both languages but that he never knew a word of German, and furthermore he does not like the language. Reminiscently, this German gives a conclusive reason for this aversion. He says that in childhood, when he heard his parents by the evening fireside conversing in German, his mind immediately reverted to some misconduct for he knew that they were discussing one of his youthful mistakes, and a good English whipping for him was usually the result of the German discourse.

2. *Religion and Education.*

The Germans loved their church and school. Besides the national testimony to this fact shown by the church movements and the great universities in their own land, evidences are found in the communities in which they settled in this country. The pioneer Germans were Lutherans and Reformed. These two denominations often used the same houses of worship, where on alternate Sabbaths they held their services; this is still the custom with a number of churches. Records show that they established churches and schools at a very early date. Four miles north-west of Lincolnton, these pioneers established a place of worship and a school house called "Daniel's" on a tract of fifty acres; but they neglected to take a grant for their land. In 1767, a grant was issued to Matthew Floyd for the tract. This grant had in its descriptions "including a school house". The school specified has been maintained uninterruptedly until the present day. In 1768, the tract was purchased by Nicholas Warlick, Frederick Wise, Urban Ashbanner, Peter Statler, Peter Summey, and Teter Haffner; they conveyed it to the two united congregations of Lutherans and Calvinists. On this tract each denomination has erected a brick church and near them stands a brick school house. Eleven miles east of Lincolnton on the "old plank road", and near the present Presbyterian church at Macpelah, is the site of the "Old Dutch Meeting House". The deed is from Adam Cloninger to the "German Congregation of Killian's Settlement." The deed to the first church lot in Lincolnton was made June 10, 1788. This deed conveyed the lot to Christian Reinhardt and Andrew Heedick, trustees respectively for the "societies of Dutch Presbyterians and Dutch Lutherans" of the town and vicinity. It specifically states that the transaction is to secure a place "for the intent and purpose of building thereon a meeting house for public worship, school houses, both Dutch and English, and a place for the burial of the dead." This is the site of the present Lutheran Church.

That the Germans are averse to education and mutual cooperation in advancement of public benefits is a mistaken idea. Their ignorance of the English language and customs has been length-

ened because of their constitutional reserve and tenacity of habit; but these characteristics are valuable qualities for any people.

In addition to their being historic facts, the following will serve to show some experience of German churches with the two languages. The North Carolina Synod met, May 28, 1820, in the Old White Church in Lincolnton. This session proved to be a very historic one. At this time and place occurred the first rupture of the Lutheran Church in the New World. The Lincolnton Church and others withdrew, and the following July 17, organized the Tennessee Synod. The president of the meeting maintained his position with a long discourse in German. The secretary followed with a longer one in English. Thus, the two languages were used in this discussion. The Lincolnton church and others that withdrew and formed the Tennessee Synod made specific regulations on the first day of their meeting concerning the use of the two languages. German was made the business language of the Synod, and all transactions were to be "published in the German language". In 1825, five years later, it was ordered that the minutes were to be published in both German and English. In 1826, David Henkel was appointed interpreter for the members who did not understand the German language. At this same meeting in 1826, it was ordered that the "business of Synod shall be transacted in the German language during the first three days, afterwards, the English shall be used". The church records of Daniel's Evangelical Lutheran and Reformed Churches were kept until 1827 in German.

3. *Grave Yards.*

In burying their dead the Germans followed the usual method of interment; some families used the Church cemeteries, and others had family grave yards. Soapstone or marble slabs with inscriptions of varied length bore the names of the deceased. Many of the tombstones in these burial places have German inscriptions. Those monuments earliest erected have inscriptions in good German. Later monuments had less correct German on them. A number of these inscriptions were written partly in German and partly in English. A description of a

monument in the Old White Church cemetery having inscriptions both in German and in English will be given. This stone marks the grave of a venerable and useful man, Reverend John G. Arndt. He came from Germany to Rowan County, North Carolina, and taught school there until 1775 when he was ordained to the ministry; in 1786, he moved to Lincoln County where he labored until his death in 1807. The monument has on it the following engravings. Near the top, is an eagle with outstretched wings; just above its head and wings are the words "E Pluribus Unum;" immediately above these words are thirteen stars. The eagle holds in one foot a bow and in the other some arrows. These engravings constitute the emblem of the new republic, "The United States of America", which had not been in existence many years before Mr. Arndt's death. The inscription reads:

"Hier ruhet der Leichnam das weiland wohl ehrwürdigen Johann Godfried Arends. treu gewesener evangelischer Prediger. er starb am 9ten Julii A. D. 1807. sein Alter 66 Jahr 6 monat und 28 Tag. an einer auszehrenden Krankheit nachdem er 32 Jahr das Predigamt mit aller treue verwaltet." A verse in English that occurs in substantially the same form on many German stones then follows:

"Remember man as you pass by
As you are now so once was I
As I am now you soon will be
Therefore, prepare to follow me."

4. *Occupations.*

The Pennsylvania Dutchman in the early days depended naturally for his livelihood upon farming. Being industrious, thrifty, and not fearing labor, he was generally a very successful farmer. As the clear summer sun ascended above the eastern horizon blinkingly, the Dutch farmer arose rubbing his eyes; likewise when the peaceful sun descended below the western hills, the Dutch farmer sank into a well-earned sleep. There was no contempt for honest toil. In his general work, the Dutch

farmer was a close observer. He consulted his almanac, believed in signs, and relied on the twelve signs of the zodiac. Whether these beliefs were beneficial or not, he held tenaciously to them, and attributed part of his success to these observances. The people give less attention now to these signs than they formerly did, and many of the superstitious ideas are being forgotten. Some of the signs and omens follow:

All vegetables that grow downward under the earth's surface, such as turnips, potatoes, and radishes, must be planted in the dark of the moon, in the interim of the new and full moon. Vegetables that grow above the ground, such as beans, peas, and cabbage, should be planted in the light of the moon. Plant onions when the points of the moon are turned downwards; then the onion will grow large and the plant will not run into all seed and top. If corn is planted when the little moon is turned down the stalks will be long and the ears large. If you grind wheat in the dark of the October moon, bugs and worms will get into the flour. Hang up all the horseshoes you find in the road; pick up all the pins; look at the moon in the clear; these things bring good luck. Do not begin work on Friday unless you can finish it; do not look at the moon through trees; do not turn back after beginning a journey; these things bring bad luck.

A famous turnip grower living in Lincoln County seldom fails to secure a good crop. With the moon right and the soil prepared while scattering the seed he uses an incantation of virtue. When he made this known it became evident that he sowed a fourfold quantity of seed. Each time he scatters a handful of seed he repeats a line of the following:

"Some for de bug
Some for de fly
Some for de debil
And in comes I."

As the country developed and people became more numerous, the Germans entered other occupations. Daniel Warlick, a pioneer German settler and progenitor of the Warlick family in this section, erected at an early date a grist mill on a branch about six miles northwest of what is now Lincolnton. This mill was

once burned by the Indians. The location is excellent, having as power a waterfall of sixty-two feet. This mill has passed from father to son and is today owned by a great-grandson, Jacob R. Warlick.

The first cotton mill south of the Potomac river was erected by a descendent of these Germans. This mill, run by water power, was built by Michael Schenck in 1813 on a branch about one mile east of Lincolnton.

Many Germans conducted tan yards along the side of streams, and slight depressions which mark the original vats may be seen today. Other Dutchmen operated saw mills, conducted blacksmith shops, constructed chairs, made shoes, and so on. The following paragraph, aside from its principal topic, will give light on another occupation in which the Dutch excelled.

In the good days of the old time, the distillery was an important and necessary adjunct of the farm. Liquor was plentiful and only twenty-five cents per gallon, and was regarded as almost as necessary as people of this time regard coffee and tea. The fiery fluid which they drank for health and happiness was a requisite of the domestic board, and a "tram" was a symbol of hospitality. When the old patriarch, Derrick Ramsour, dispensed with his still, he stipulated that his sons should furnish him each year with twelve gallons of whiskey. William Hager, who died in 1775, having made distribution of his lands and other estate and come to the allotment of his distillery, in tender and affectionate regard, briefly yet specifically said: "I leave the still for the benefit of the family whilst my wife keeps house with the children." The old pioneer, Henry Weidner, who discovered Henry River, now bearing his name, and who was known as "King of the Forks," devised a large estate in 1790 among his children. He enhanced the dowry of his only single daughter by this bequest: "I likewise give unto my daughter Mollie my two stills and all the still vessels." Distilling was not confined however to any particular section or nationality; and, sad to relate, the manufacture of the beverage was not confined entirely to the laity. Soon after the Revolution, an ordained minister, owning

a thousand acres of choice land, "conducted a saw mill, cotton gin, tan yard, blacksmith shop, and a distillery." One distinguished minister of the gospel, among other items of maintenance, required that his wife be furnished on January first of each and every year "ten gallons of good whiskey." A blow was given the industry 1858 when the church courts adopted the resolution, "Resolved that the making or distillation for indiscriminate sale of intoxicating liquors, its use as a beverage, the practice of giving it to hands at log rollings, huskings, raisings, etc., is immoral in its tendency, and justifies the exercise of discipline." The war of prohibition has gathered intensity until intoxicants have been swept from the State; so that when the governors of the Carolinas met on the border at King's Mountain the seventh of October, 1910, and the Governor of South Carolina made the ancient remark to the Governor of North Carolina, the latter could respond with only a glass of sparkling water dipped from the mountain spring.

5. *Amusements.*

The early German experienced many hardships and much rigid toil; yet he found time for fun and sports. Whole-hearted in his labor, he was equally so in his amusements. His social entertainments possessed very little, if any, of the caste system. Every one was free and at ease. Formality could not survive among these lovers of liberty. Special occasions that brought them together were quilting parties, spinning matches, corn shuckings, log rollings, and house raisings. Such events not only afforded opportunity for free interchange of social discourse, but also furnished to participants the advantage of development in useful skill and of material gain. They strove to be the first to complete their quilts, or to shuck their allotment of the pile of corn. It was a matter of pride and prestige to be able to hew the timbers most evenly and to raise the log houses most quickly. Amidst these contending activities, they ever indulged in pleasant discourse. The enjoyable hospitality of the homes and the feeling of freedom of every one made such events happy and delightful. These

meetings were also enjoyed by the old, always hale and hearty, for they said:

"A little nonsense now and then
Is relished by the best of men."

Another form of amusement was horse-racing. The Germans were lovers of fine horses, and the race track had its devotees. On the path they would test the speed of horses, and back favorites with cash. When any trouble arose, the guilty ones, if they were members, would be summoned before their church officers. This was the case with two well known men of the Daniel's neighborhood. The "Warlick Path" was one mile west of Daniel's church and about four miles from Lincolnton. A race between their horses about a dispute and they were promptly summoned before the church bar for their conduct. The one who lost was penitent and before the church court expressed proper contrition. The winner was incorrigible. Proud of his stakes, his horse, and the plaudits of the community, he promptly pleaded: "I'm not sorry; I von. Mr. H. very sorry; he lose." The habitual calmness of temperament, however, prevented many troubles among neighbors.

6. Prominent Germans.

In the early history of this section, the Germans were not prominent in public affairs. They did not know the prevailing language and law. When these obstacles were removed, their true worth was realized. From these sturdy settlers have sprung many men distinguished in church, in state, on the battlefield, and in the various walks of life. Their conservative temperament was not an impediment when they became acquainted with English people; combined with a willingness to push forward when sure of the ground they were on, this quality made them the sort of citizens desirable to any people. Brief mention of a few prominent Germans and descendants follow.

Jacob Forney settled on Killian's Creek, near the present town of Denver. On the early maps the great Catawba marked the tribal division between the Catawbas and the Cherokees. East of the river dwelt the Catawbas, once a numerous and powerful peo-

ple. As the white settlements extended, the Cherokees receded towards the setting sun, and occupied the peaks of the Blue Ridge from which roving bands raided the settlements. Jacob Forney and two of his neighbors were attacked by a band of Cherokees. One of them was wounded and scalped. Forney, though shot at many times by the Indians, reached his log hut in safety. He subsequently located a few miles down the creek. He and his sons were firm Whigs in the American Revolution. Cornwallis and the English army on their passage through Lincoln County, in pursuit of Morgan, quartered on Jacob Forney three days and took much of his property. Jacob Forney, with many of his neighbors, was buried in the "Old Dutch Meeting House Graveyard" in east Lincoln County. His farm, near Denver, passed to his son, Captain Abraham Forney, a soldier of the Revolution; and it yet belongs to his descendants. General Peter Forney, another son, was a patriot soldier, member of the House, Senate, and Congress. As Presidential elector, he voted for Jefferson, Madison, Monroe, and Jackson. He erected a forge at his home and Madison Furnace on Leeper's Creek. He was a pioneer iron-master, and commenced building his own iron works in 1787. He recorded that he produced hammered iron in his forge the twenty-sixth of August, 1788. Major Daniel Forney, eldest son of General Peter Forney, received his title in the War of 1812; he served as senator from Lincoln County and a member of Congress. He erected a palatial residence on an eminence between two creeks where Jacob Forney lived when the British quartered on him. This picturesque old mansion with its tall white columns yet retains the charm of its ancient architecture. Jacob, son of General Peter Forney, was sheriff of Lincoln County. He removed to Alabama where two of his sons, John and William, were Confederate generals and Members of Congress. The daughters of General Peter Forney married Henry Y. Webb, Bartlett Ship, William Johnston, C. L. Hunter, and Christian Reinhardt, all historic figures in the county and state. Robert D. Johnston, son of Dr. William Johnston and Nancy Forney, was a distinguished brigadier general in the Confederate army.

In the House of Commons near the close of the century the fol-

lowing Germans were representatives from Lincoln County: 1797, John Raemsour was elected and served two terms. In 1799, John Reinhardt was sent, and, in 1800, Peter Forney. Peter Hoyle was elected in 1802 and fourteen times afterwards. Henry Hoke was representative in 1803, David Shuford in 1806; then followed Lorentz, Killian, Cansler, and others.

Henry Cansler filled the offices of county surveyor, sheriff, clerk of the court, and member of the General Assembly.

Jacob Costner was one of the first justices of the peace of Tryon County; he was sheriff of Tryon in 1774 and 1775, major of militia of Tryon in 1776; he died in 1777. Ambrose Costner, his great grandson, planter and financier, was often the popular representative of Lincoln County in the House and Senate.

John F. Reinhardt is a great grandson of Christian Reinhardt, "agent of the Dutch Presbyterians" in the deed to the first church in Lincolnton and known as the Old White Church. He was a soldier in the Civil War, a planter, commoner, and senator. He owns the Bartlett Ship homestead. His father, Franklin Reinhardt, operated the Rehobeth furnace.

Andrew Heedick, a great grandson of Andrew Heedick, "agent of the Dutch Lutherans" in the deed to the first church in Lincolnton, resides on the ancestral homestead. He served in the Civil War, losing an arm at Chancellorsville. He is a survivor of a usually mortal wound, a musket ball having passed entirely through his body; Abel Seagle and David Keener are survivors of like wounds. Andrew Heedick was for many years county treasurer and is one of Lincoln County's most honored citizens.

John F. Hoke, son of Colonel John Hoke, was a captain in the Mexican War, commanding his company with valor in the battles of Cerro Gordo, Tolema, and National Bridge. He was Adjutant General of North Carolina and colonel in the Civil War. He was an able lawyer and was often the representative of Lincoln County in the General Assembly. Michael Hoke, son of Colonel John Hoke, was an accomplished lawyer and brilliant orator. He was one of the two opposing gubernatorial candidates in the campaign of 1844. He and his opponent, William A. Graham, were both natives of Lincoln County.

David Shenck, son of Michael Shenck, the pioneer cotton mill man, contributed his quota of loyal service to his country and state. He was a good lawyer in the court room, a great advocate at the bar, and a capable judge of the Superior Court. He did a lasting service to the state's record in the capacity of historian.

In the great Civil War two of the Germans from the South Fork valley became famous Confederate officers, winning the rank of Major General. These were Stephen D. Ramseur and Robert F. Hoke. General Ramseur met the death of a hero on the battle field. General Hoke still lives in his native county. A gallant soldier, a modest gentleman, he has an abiding place in the affection of the people.

On the Supreme Court Bench of this state is another honored and highly-respected member of the Hoke family. He is esteemed by the immediate section of his home for his kindly interest in and friendly consideration of both young and old; by the county for his sincere regard for its welfare and development; and by the state because of the unbiased prosecution of his duties. Judge William A. Hoke is a splendid representative of the true type of magnificent manhood. As citizen, lawyer, legislator, judge of the Superior Court, and associate justice of the Supreme Court, he has an enviable record.

The foregoing sketch treats of the Pennsylvania Dutch in a general way. The intent is to discuss them principally as a body of people. This general discussion mentions their arrival in Pennsylvania from Germany and later settlement in western North Carolina; some view is given of them and their contribution to the state. The succeeding treatise sketches a prominent German family. The record of this family illustrates many of the general facts above mentioned, and, as it is typical of German families, will serve to localize ideas presented in the preceding discussion.

THE RAMSOUR FAMILY

1. *Derrick Ramsour.*

The Ramsours trace their descent from the earliest settlers in this section. This was Derrick or Deitrich Ramsour, a pioneer German settler. He came from Germany to Pennsylvania, and thence to Lincoln County, North Carolina. He was a shrewd, sound, thrifty, far-sighted man, and gained possession of many acres of land by entry and purchase. He erected a pioneer grist mill on one of his plantations on Clark's Creek. Power to run the machinery was furnished by a race which ran in a semi-circular course a few yards west of the present bridge on public road. The south-west abutment of the bridge is situated on the exact spot formerly occupied by the foundation of one side of the building. This mill was a noted place in colonial times. Derrick Ramsour had four sons and probably some daughters. His sons were Jacob, David, Henry and John.

Derrick Ramsour, in 1771, "out of natural love and affection", divided his land between his two surviving sons, Jacob and David. In consideration of this grant, he received a bond entered into by Jacob and David providing for his support during the remainder of his life. As this bond portrays in some degree the character of Derrick Ramsour as being shrewd and businesslike in transactions, and also furnishes some idea of various things used in life on farms of this section in 1772, the greater part of it is printed.

The bond provided that Jacob and David Ramsour pay unto Derrick Ramsour every year during his natural life: "15 pounds proclamation money, 25 bushels clean, sound wheat, 25 bushels Indian corn, 52 pounds of good butter, or in lieu thereof the profits on two good milch cows to be kept at the expense of Jacob and David, 400 weight of good, wholesome beef, one-sixth of the net profits of the fruit trees, 30 pounds of sugar, 3 pound Bohea tea, 2 pounds coffee, 12 gallons whiskey, 4 bushels of malt, 1 bushel of salt." Also they engage to erect a "commodious and conven-

ient residence for him the said Derrick Ramsour in order to live retired with a sufficient store, and store room, and furnish the same with the necessary furniture sufficient for his accommodation which building is to be erected on such a part of the premises as he the said Derrick pitch upon." Also they are to find for him "one good feather bed and decent and necessary furniture, and find and provide for him sufficient fire wood, ready hauled to his dwelling, to be cut a foot length as often as occasion or necessity shall require; and also supply him with a gentle riding horse, saddle and bridle, to carry him wheresoever he may require him to go, together with a sufficient and necessary stock of wearing apparel, both woolen and linen, warm and decent, becoming a man of his circumstances to wear, together with the proper food and washing during his natural life."

In consideration of their fulfilling the terms in bond, Derrick Ramsour divided his estate between the two living sons. Jacob Ramsour, who was to support the father, received the Lambeth plantation between the South Fork River and Clark's Creek. Derrick Ramsour had obtained this tract of land from Andrew Lambeth as reference to description in deed of conveyance from Derrick shows. It reads: "Situate in the fork of the South Fork of the Catawba River and Clark's Creek, heretofore conveyed by Andrew Lambeth by deed of date 11 of August 1758, etc." The other son, David, was given a plantation further up the river.

Jacob Ramsour.

Jacob Ramsour, one of the two sons living at Derrick's death, carried out the provision of the bond and erected for his father "the commodious and convenient residence" near his own immense dwelling. The site of the Jacob Ramsour mansion and the spacious residence of his father Derrick was an elevated spot a few hundred feet west of the Ramsour Mill. These buildings were accidentally destroyed many years ago by fire, but the depression of each foundation is clearly marked today. They were pointed out by an aged descendant of the family who well remembers them in their stately grandeur.

Jacob Ramsour's plantation adjoins the corporate limits of the present town of Lincolnton. The South Fork River in a great bend forms its junction with Clarke's Creek. Between these two streams was the Jacob Ramsour tract of land, today one of the finest plantations in Lincoln county. The mill erected by his father Derrick was situated on this plantation and was continued in operation by Jacob. About eight years after passing into his ownership, and while Jacob still ran it, here was fought June 20, 1780, between the Whigs and Tories the battle of Ramsour's Mill. This spot was also made historic in January, 1781, about a month before the Battle of Cowan's Ford on the Catawba River in East Lincoln County, as the camping ground of Lord Cornwallis and the English army.

Jacob Ramsour died January 5, 1787, in the fifty-fourth year of his age. The grave-yard in which he was interred is about two hundred yards westward from the site of his residence. This grave-yard is on the highest point between the creek and the river—about one half mile from each—and is in full view of Lincolnton.

David Ramsour.

David Ramsour, the other son of Derrick and a party to the bond, received a plantation about four miles up the South Fork River and that one given to Jacob Ramsour. This plantation was also situated in a great bend of the river and had in it many acres of most fertile land. He was one of the first settlers in this immediate section. He erected a dwelling on this farm of the pioneer type. This house, made of timbers from the primitive forest, stands today. It is a log cabin, one story in height, with loft overhead. The great stone chimney is entirely within the building except that part extending above the roof. The fire place measures about seven feet. Just above the fire place is a large wooden mantel, made from a hewn log about six inches square and nine feet long. A short distance up the chimney are cross bars; from these in times past were suspended pot hooks which held the cooking utensils in position over the fire. The location is an ideal one. It is a knoll commanding a fine view of the

picturesque surroundings. A gentle slope leads down to the river which is about forty yards distant. Nearby is a beautiful rock walled spring with pretty stone steps leading down to its crystal waters. Shading the spring are two giant white oaks from the original forest.

The above location was selected by David Ramsour. Near it stood an old red painted mansion, characteristic of the early Germans, built by his son, John Ramsour, every part of which was put together with hand forged nails. This building has in recent years been removed by the present owner, Thomas J. Ramsour, and another frame building erected on the same foundation. A short distance up the river is a modern brick residence built by Jacob Ramsour, a mill-wright and a grandson of David Ramsour. About one half mile eastward a large and convenient residence embodying all the latest architectural conceptions has recently been completed by Thomas J. Ramsour, a great grandson of David. The above mentioned houses are all situated on the ancestral estate, namely the land of the pioneer Derrick Ramsour. These buildings are suggestive of the fact that their respective constructors kept abreast with the progressive ages from before the Revolution through all the labors in peace and horrors in war until the present day. An equal to that vivid and impressive view gained from the yard of the earliest erected home would be hard to find. These four buildings, the log cabin of ancient architecture, the frame building, the brick house of modern design, and the recently completed home with latest improvements, all situated on the ancestral estate, are in easy view of each other and represent four generations of this noble family.

David Ramsour married Mary W. Warlick. To them were born four sons and three daughters, viz.: John, David, Henry, Philip, Margaret, Elizabeth, wife of Daniel Shuford, and Barbara, wife of Jonas Heedick. He died December 14th, 1788, aged fifty-three years, and was buried in a graveyard on his plantation. This burying ground occupies a gentle knoll in the great bottom. It is called the Ramsour Graveyard. Here are buried many generations of this branch of the Ramsour family. A few inscriptions from tombs with other notes will indicate part of the David Ramsour family history.

Mary M. Ramsour, wife of David, was buried beside him. She died October 10th, 1818, aged seventy-two years. She was the daughter of Daniel Warlick, the pioneer settler and progenitor of the Warlick family in this part of the State. Daniel Warlick erected the grist mill previously mentioned in this sketch.

Margaret Ramsour, daughter of David, died at the age of twelve years on the 22nd day of December, 1780. Thus her decease occurred five months after the battle of Ramsour's Mill. Her grave was the first one in the cemetery. According to the family tradition, the river was swollen at the time of her death and, as her remains could not be transported across the stream to Daniel's Church for interment, this place was selected for her last resting place. When buried she was the one silent resident of this hallowed spot; but it has since grown into quite a city of the dead.

John Ramsour, son of David, succeeded to his father's estate and erected near the log cabin the frame building already mentioned. He was a prominent planter and represented Lincoln County in the General Assembly of this State. He married Elizabeth, née Heedick. They and their four sons, John, Jacob, Andrew, and Daniel, were buried in the family graveyard. The following very brief mention of these sons and several of their descendants will connect with the present generation. Daniel, son of John, was born August 18th, 1806, and died January 12th, 1874. Daniel inherited the paternal estate, and lived in the house erected by his father. He married Frances A. Shuford, who was born August 16th, 1814, and departed this life July 30th, 1903. These are the parents of Thomas J. Ramsour, present owner of the ancestral homestead, a member of the fourth generation of David and constructor of the latest erected dwelling heretofore mentioned. Andrew Ramsour, son of John, married Sarah Ramsour, and to them were born two daughters, Isabella and Annie; they married Michal and John Boger, respectively, both men of prominence in Lincolnton. Jacob Ramsour, son of John, was a millwright, and to distinguish him from the other Jacobs, he was called "Millwright Jacob." His farm in the river bottom lay next above the ancestral homestead. This place was purchased by Sheriff Robinson and is today owned by Thomas E.

Cline. He was the father of Theodore J., Oliver A., Walter G., and Mel Ramsour, all Confederate soldiers.

Theodore J. Ramsour, son of "Millwright Jacob," was born March 12th, 1832, and died May 27th, 1908, aged seventy-six years. He married Polly Canipe. To this union were born ten children, five sons and five daughters, all of whom are living to-day. Theodore J. Ramsour was a veteran of the Civil War. He enlisted at the first call for volunteers, April 25th, 1861, in Company K of the Bethel Regiment. After serving the term of this enlistment he re-enlisted in Company I, 11th Regiment, March 21st, 1862, in which he served until he lost a leg at Cold Harbor, June 21st, 1865. He lived on the east bank of the river, about one mile above the Ramsour Graveyard. He was a fine farmer, and also owned and operated a mill run by the power of the South Fork.

The inscription on the tomb of Walter G. Ramsour, son of "Millwright Jacob," reads as follows: "In memory of Walter George, son of Jacob Ramsour, born June 2nd, 1836; second man to volunteer in Company K., first N. C. Regiment; re-enlisted and was second Sergeant in Company I., 11th Regiment. Wounded at Bristow Station October 14th, 1863, died October 27th, 1863, aged 27 years, four months and two days." This inscription is especially interesting. It records the fact that Walter Ramsour was the second man of all the Lincoln County soldiers to volunteer. Reading this inscription gives rise to the question as to who was the soldier entitled to rank as the first volunteer from Lincoln County.

Henry Ramsour, son of David and grandson of Derrick, lived on the east bank of the river. Opposite to him was his brother David's place. Henry Ramsour died May 30th, 1828, aged fifty-eight years. He married Magdalene Shuford and has many descendants. Solomon Ramsour, their son, who died September 8th, 1845, at the age of forty-six years, married Elizabeth Warlick; they are the parents of Henry E. Ramsour, of Lincolnton, and others.

The above rapid survey of the Ramsour family gives brief mention of Derrick Ramsour, his two sons, Jacob and David, and a

few connecting links with the present generation. From these two sons of Derrick have descended nearly all the Ramsours of this State. The following history, continuing with the Ramsours, deals only with the other two sons of Derrick.

Henry and John Ramsour.

Henry Ramsour and John Ramsour, the other two sons of Derrick Ramsour, have been almost entirely unknown until recently. Both of them died prior to the year 1772. There is no evidence that either ever married. They are not known to the kith and kin of this generation. What is given here of them is gathered from authentic records.

Scarcely any information is to be found of Henry Ramsour. The only substantiation of his existence is a reference to him in one of the Derrick Ramsour 1772 settlement deeds. In a deed from Jacob and David Ramsour to their father Derrick referring to a tract of land, occurs the following description: "Heretofore granted by David Jones, Sheriff, to Henry Ramsour now deceased, by him bequeathed to John Ramsour, now deceased, and his two surviving brothers, Jacob and David." This single reference shows authentically that there was a Henry Ramsour, that he was a son of Derrick, that he at one time owned land in Lincoln County, and that he died prior to 1772. An absence of records and traditions concerning him furnishes the probability that Henry Ramsour never remained long in the South.

John Ramsour, son of Derrick, was as little known as Henry Ramsour for a long lapse of time. The deed above referred to regarding Henry Ramsour also mentions John Ramsour. Fortunately much information concerning him valuable in many particulars has been recently found. In a trunk among some old papers was discovered a few years ago the diary of John Ramsour. This book, yellow with age, is bound in buckskin and contains forty-seven pages. One supporting cover of the book is extended around the free edges of the pages as a protection and, narrowing, is inserted through a small opening into the other cover on the style of a large purse. This diary is at least one hundred and

fifty-eight years old. The entries in the main are very clear and legible. The book describes two journeys of John Ramsour from Pennsylvania to North Carolina and return; expenses of the trips are given; plans, specifications, and drawings for making various machines are delineated in different parts of the book; the diary also presents valuable knowledge concerning the route of travel from Pennsylvania to North Carolina, cost of equipment and expenses on the journey, and other facts that portray life at that time. Because of these interesting communications, extracts from it will be given.

On the fly leaf of the diary is the entry: "John Ramsour his Mamberranton book. August 27 day 1752 to his gorney went." Then follows an enumeration of this "trup" from "langaster," or Lancaster County, Pennsylvania, through "Marland" and "Vergeney," to this State. Those entries most nearly evidencing his destination are: "First in Carolina to a bushel of corn," "to a tiner (dinner) at yatkins," and, a few days later, the notice, "Cot to my gorneys ent to Antry Lamberts tis 6 day of October 1752." Hence, according to the diary, "Antry Lambert" lived not far distant from the Yadkin River, only a few days elapsed from the time John Ramsour crossed the Yadkin until he arrived at Lambert's home. An investigation of old deeds in Lincoln County shows that "Antry" or Andrew Lambeth, whom John Ramsour visited, owned the fertile plantation situated between the South Fork River and Clarke's Creek near their junction and adjoining the corporate limits of the present town of Lincolnton. These records further show that on the 11th day of August, 1768, this tract of land was purchased by Derrick Ramsour, father of John, from Andrew Lambeth. In 1772, Derrick Ramsour divided his valuable lands between his two surviving sons; Jacob, as previously mentioned, received this plantation. No record of the time that John Ramsour's father, Derrick Ramsour, came to this section is known. The dates from court records that succeed this early "gorney" south, which was made twenty-four years prior to the Revolutionary War, authenticate John Ramsour's owning land in Lincoln County and his father's residence and ownership of property here. The only reference in the diary of his father's

living in this section is recorded after he returned north the second time: "Receivit a lattar from my Fathar from Carolina January 27th 1755." This was three years after John Ramsour's first visit South, when his recorded destination was "Antry Lambert's." A very presumptive speculation, but interesting as a possible fact, is the conjecture that this early trip of John Ramsour to what is now Lincoln County was for the purpose of inspecting the country with a view of recommending a place for settlement to his father and family.

John Ramsour's age cannot be definitely estimated; an approximate idea, however, is obtained from an entry in his diary and the above mentioned deed. A clearly legible entry in the diary is: "Born August 6 1728." Derrick Ramsour divided his property between Jacob and David in 1772, and the description in the deed speaks of John Ramsour as being then deceased; hence, he died prior to that year. According to these two dates, John Ramsour was less than forty-six years when he died. A comparison of the date of his birth with those of his brothers shows that he was seven years older than Jacob and nine years the senior of David.

John Ramsour must have been superior in many ways to the average German and pioneer settler of that time. His language is one strong indication of this, for his use of the English places him far in advance; since many Germans could hardly speak English, much less write it, at that early time. He was one of those Germans who had some education. Many of his words are a little difficult to understand; and especially so because they are not always spelled in the same way. It must be remembered, however, that he followed the sound of words and that the dictating machine to him was his own tongue with its native accent. When making the entry for the purchase of a pair of bridle bits, he naturally changed the "b" to "p," and wrote from his German accent, "to a pare of prittle bits."

From the evidences of the diary John Ramsour was a very thrifty man. The plans and specifications for making different useful machines, which are interspersed through the book, give intimation of the range of activities in which he engaged. His

knowledge of handy machines and their construction must have been valuable to the settlers at the time he visited this section. He gives the plan for "a bellows, blow, wint mill, barrel lome, skane Reale, pear of steairs, large washing toob, 10 gal cak," and other things. In designs for some of these, he gives several patterns. The plan is copied of the "blow" or plow.

"a bouth a blow the pams 4 in tick and amost 4in or 3½ deep and 7 food long and the handals long 5 food and ½ and behind from the gib the in site of the beem in straide a long the untar site before 15in the handals behind 2ft 9in or 10 or 11."

According to the entries John Ramsour made two journeys from Pennsylvania to North Carolina and return. The expenses of these trips, the objects for which expended, the kind of money used, other facts are recorded. Various provinces employed different mediums of exchange at that time; on these journeys through three provinces he used "Vergeney and Marland and Pansylvaney money." For his horse he bought "a bushel of corn," "a sheve of ots"; at some places the horses were not put in barns, and one item is for "pastering horses." Of ferries at various places he records "to farrish, ferrish, and farry." Among the expenditures for himself are "to brekfast," "to a tiner," and "to supper and Loghing," "to a lucking clase" (looking glass), "to a pare of carters" (pair of garters), and, distinctive of the German, "to a almennock" (almanac). An often inserted item is that of some drink. The frequent occurrence of this item does not necessarily indicate that he was a heavy drinker. It is characteristic of the German to take drinks regularly, but in moderation, and nearly every one, as John Ramsour records of himself, took his tram," "siter," "wein," and "pere."

The entries in the diary from the title page to his arrival at destination on the first trip South will be given verbatim. These exhibit many things of interest. In the first purchases articles were evidently secured preparatory to the journey; these entries of this trip South in 1752 will give some idea of the manner in which John Ramsour made his records, the early German use of English, pioneer travel, and incident expenses. The following is a description of this first trip:

"John Ramsuuer his Mamberranton book

August 27 day 1752 to his gorney went.

John travelt from home to Tuch Copers 8 days.

August, 1752

To a pare of flames	2s
to a pare of prittle pits	2s
to a pare of Carters	1s
to a lucking class	1s 2d
to a quart of wein	1d
to a pocket alemnock	1d

August 27 day 1752

First to my gorney	2d
at Villiam bousman	5d
at Yorktown to a pint of pere	2d
to farrish at suskehanay	1s
to prekfast at te farry	8d
at Konret Cansellars	1s 1d
at tis last day of te Mon, to me	1s 1d

September 1st day 1752

to a sheve of ots	4d
to a bushel of ots	2s
to one pot of siter	4d
to ferish at rapehanick	1s
to ferrish at James rever	6d
to half bushel of corn	1s

September 24th day 1752

to Suppar and loghing	1s 2d
to farrish at Rouenock	7s
First in Carolina to a half busel of corn	1s
to a tram	3d

the first of October

to my a cunt	1s 6 $\frac{3}{4}$ d
to farrish at Abbes Crick	5 $\frac{3}{4}$ d

at pranius	
to corn and my a count	1s
to a tiner at yatkins	3 $\frac{3}{4}$ d
to Henry Witner	2s 5d
tis is traveling to Carlinay to	
expans are this	1 6s 6d
Vergeney and Marland and	
panselvaneey money	
have pene traveling to James	
Rever from home eleven days	
Cot to my gorneys ent to Antry Lamberts	
tis 6 day of October 1752	

The first trip of John Ramsour back to Pennsylvania was begun November 1st, 1752. Hence he had remained in the South on this visit a few days less than a month. Describing this return journey some of the entries are: "to a tram 1s 3d, to farrish at James rever 6d, to farrish rappenhanick calleth Babman's fort 7 $\frac{1}{2}$ d, to farrish at Partommack 1s, to corn in tis Marland 3s 11d, to Conret Canseller 11d, to farrish at Suskehanney 1s, to prekfast at te farry 8d, tis is traveling from Carlinay 1 4s 5 $\frac{1}{2}$ d."

John Ramsour began his second trip south May 15th, 1753. On this journey he evidently had more than one horse, as several expense items are "for pastering horses." On this second trip he remained south over a year. Probably this was the occasion of his greatest activities in Lincoln County. During this year, 1753, he had more time to construct his "wint mill, blow, washing toob," and the like. This, too, was the time most likely that he acquired land in this county.

John Ramsour returned North the following year, beginning his trip about the first of July, 1754. On his return to Pennsylvania, he records a business deal in some skins. The mention in the diary of this transaction is: "paught skins in Carlinay 33 pait for them 10 pans money solt of tham 31 for 15 19s pansylvania money." That this was a good investment as far as the

purchase and sale of the object are concerned is easily seen, for he made on this investment of ten pounds clear. Other investments on this trip North were in otter, black fox, and beaver skins. Some of these were purchased with "Vergeney" money and sold for "Pansylvania" currency. Another record that gives an interesting view of trading in these colonial days is the transaction in some beaver skins. He paid cash for these, exchanged them for some money and cloth, and then sold the cloth at a profit. The memorandum of his disposal of these purchased skins is: "Sold tham 4£ 0s 7½d and in part pay I took 42 yarts of jack lining at 1-4 par yart so come to 2£ 16s and sold that at 2s par yart."

The exact line of travel followed by John Ramsour on these journeys is definitely described by him. It is interesting to note that the course he traversed and mentioned in the diary is the same as that described by and quoted from Col. W. L. Saunders in the first part of this sketch. Evidently, then, he followed the route used by other pioneers who came south in those early times searching for cheap lands, good homes, and enjoyable freedom. John Ramsour describes his line of travel as follows:

"From langaster to rits farry 10m to yorktown 12 to fratricktown in Cana Waka 60 to nolens or Willim luckets Farry at partommack 15 to cose krick or cose run 18 to charmington in vargenney 42 in prence willim County to nort rever of rappenhanick 8 to tuch copers 9 to the south rever of rappenhanick 6 at orresh old cort hous or vinsh to new orrensh Cort house 14 to googland Cort house at James rever 50 to lillises fort at Abbamattick rever 15 to Ameleys Corte House 10 to Tockter Coot 14 to promswick olt Cort house 4 to the hors fort at Rouneocke 25 to Cranwell court house 30 to tare Rever 16 to Flat Rever 15 to the hawe feales or to the hawe Rever 38 to teep Rever 30 to Abbents Creek 35 to the Yatkin Rever 8."

The foregoing record sketches briefly the history of the Ramsour family. It is shown that the pioneer Derrick Ramsour and his two sons Jacob and David have descended nearly all the Ramsours of this State; Henry Ramsour and John Ramsour, as mentioned

before, probably never married. This family has always had a reputation for a high type of citizenship. First and last in war and in peace, the Ramsours ever followed strenuously the dictates of their convictions. They have been noted for their manifestations of industry, thrift, and vigor, devotion to school and church. The Ramsour family from the earliest times of our history has contributed its full portion of noble ideas beautifully expressed in magnificent deeds to this county and State.

The early Germans coming to Lincoln County were such people as the family just mentioned. They had left the land of their birth because of unbearable conditions, and had come here to secure good homes and liberty of conviction. Permeated with the united desire for suitable homes and freedom of conscience, the Pennsylvania Dutch settled with common purpose on the fertile banks of the South Fork of the Catawba River in Lincoln County and in the hill country of North Carolina. In the first days of our country they were little seen in public affairs. They did not know the dominant English language, English law, and English manners. This fact together with their constitutional reserve made them for a long time slightly known and often misunderstood. Not pushing themselves into undue prominence but pursuing honorably their home duties, the Germans are and have ever been worthy citizens. The bent of the people, as one writer puts it, has ever been towards the fruitful seclusions of the rural community and the scholarly and financially profitable vocations of a peaceful life. The great virtues of the home and the common duties of the simple citizen have always charmed their ambitions. They have ever held sacred the high principles that secured to them liberty of conscience, health of the State, and safety for the morals of home and family.

In his Prefatory Notes to the Colonial Records, after describing the route the early Germans followed when they first came south, Colonel W. L. Saunders mentions an interesting event of a Civil War march and pays them a high tribute. He says: "Remembering the route General Lee took when he went into Pennsylvania on the memorable Gettysburg campaign, it will be seen that very many of the North Carolina boys, both of German and Scotch-

Irish descent, in following their great leader, visited the homes of their ancestors, and went thither by the very route by which they came away. To Lancaster and York Counties, in Pennsylvania, North Carolina owes more of her population than to any known part of the world, and surely there was never a better population than they and their descendants,—never better citizens, and certainly never better soldiers."

Kind, benevolent, well-disposed, impelled by a persistent energy and sturdy inclination, possessing a solemn esteem for truth and devotion to religious principle, the Germans have made and are still making indestructible footprints on the varied sands of life that will remain to them a memorial for all time.

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CONTENTS

The Governor, Council, and Assembly in Royal North Carolina
C. S. Cooke

Land Tenure in Proprietary North Carolina
L. N. Morgan

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1912

THE SEEMAN PRINTERY
DURHAM, N. C.
1913

CONTENTS

THE GOVERNOR, COUNCIL, AND ASSEMBLY IN ROYAL NORTH CAROLINA - - - - -	7
LAND TENURE IN PROPRIETARY NORTH CAROLINA - -	43

THE GOVERNOR, COUNCIL, AND ASSEMBLY
IN ROYAL NORTH CAROLINA

BY

CHARLES S. COOKE, A. B.

7

THE GOVERNOR, COUNCIL, AND ASSEMBLY IN ROYAL NORTH CAROLINA*

Separated from the home country by an expanse of water of some three thousand miles, the colonists of North Carolina soon learned that upon themselves and not upon England must they depend. It was simply impossible for any government, certainly for any European government, to make the frontiers in America places of safe residence, and hence the necessity, early recognized by the colonists, for self-reliance. In the nature of things, these colonists that inhabited North Carolina, who were frontiersmen in the strictest sense of the word, felt government more in its burdens than in its benefits, and only the simplest form of it, therefore, was long tolerable. This was true of North Carolina more than in the other colonies, perhaps, as will be seen when it is remembered that after the terrible massacre by the Tuscaroras in 1711, it was from the neighboring colonists in South Carolina that the help came that saved the colony from utter destruction, and that from the government in England, instead of help, came a requirement that rents for land should be paid in coin and not in commodities, as hitherto. The result was, that taking lessons from the Indians, these frontiersmen soon became no mere respecters of persons, and learned that even the divinity that hedges in a king could not stop a well-directed bullet. In a word, frontier life in North Carolina was a school for republicanism.

And so with the continued struggle with the British our records show indisputably that resistance to oppression was at the bottom of all these troubles, and that in every case where violence was resorted to, troubles that, covering so many years and such a wide extent of territory, and coming so closely together, one following directly upon the heels of the other, are not to be viewed as separate, casual, sporadic, isolated outbreaks,

*This study won the first prize offered in 1912 by the North Carolina Society of Colonial Dames of America.

but as a connected series, similar in their nature, akin both in origin and development. Their history, like that of events generally in the colony, shows that the people of North Carolina, when occasion demanded, were quite given to force and violence, though not mere lawless rioters who loved strife for strife's sake, and preferred violence to peaceful measures. On the contrary, there was much method in their madness, and cool, deliberate system in their force.

The salient points that strike the student, in an examination of their precedents, with more force than any others, are:

(1) That North Carolinians, from their earliest days, relied upon the known and unchanging texts of written laws without any deviations, and not like their English ancestors, upon unwritten law with its corollaries and incidents, always more or less uncertain and varying, and always more or less flexible. "Our charter still exists," was their slogan from the start to finish, from the first Royal Governor to the last. In the face of the first they flung their charter as the supreme law of the land to which all other things, animate or inanimate, must yield, and so it was with the others, one after another, until not even a shadow of Royal Government was left in North Carolina.

(2) That whenever, in their opinion, speech had been exhausted, and action was necessary, they did not hesitate to use violence to prevent infringements upon their rights, real or fancied.

Few colonies could show a more consistent discontent, more bitter party feeling and personal hostility than did North Carolina. Even more than its neighbors it suffered from foolish laws and injudicious instructions, as well as from bad governors. To the rulers in England and to the Board of Trade it must have seemed a hot-bed of bickering and discontent, yet were the full truth known, as it cannot be for the lack of indisputable evidence, it might be seen that this discontent was due to the attempts of a body of poor but honest settlers to get the most of the circumstances in which they were placed, despite the policy of the rulers in England and the self-seeking activities of their appointees.

An understanding of these conditions is essential to follow closely the differences which sprang up between the colony of North Carolina and its mother country and which form the nucleus around which the history of the Royal period is woven.

After North Carolina became in 1728 a royal province, it was governed by a system that was very like that of the mother country. The king of England was, of course, sovereign in every portion of the province, and to him was due the obedience of the people, and their annual payment of six shillings, three pence for every hundred acres of land. The crown delegated its authority and prerogative to a governor, but retained the power of repealing in council any law enacted by the provincial assembly.

The governor was the fountain from which flowed both civil and military promotion. The sheriffs, judges, and justices of the peace were the creatures of his appointment and removable at his pleasure, as were all the officers of the militia. He nominated and procured the appointment of all the members of the council for North Carolina, which constituted the upper house of the legislature, and corresponded its functions to our present senate. No bill could become a law without the concurrence of this body, while the governor also possessed the power to veto any act upon which both houses were agreed. The lower house, the assembly, was chosen by the free-holders who were in possession of fifty acres of land. There had been a statute for the equalization of representation in the assembly, but it was disregarded or repealed, for Governor Tryon, in a letter to Lord Shelburne in 1767, said that the counties of Old Albemarle at that time sent five members, Bertie three, and all other counties two each. When the members of the assembly were chosen by the people, they usually retained their seats year after year until the governor saw fit to dissolve the House when there was a new election. The towns of Edenton, New Bern, Wilmington, Brunswick, Bath, Salisbury, Campbellton, and Hillsboro were each in time represented by a borough member, chosen by the citizens of these incorporated towns. The law required that as many as sixty families must reside in a village before it was entitled to this distinction. On one occasion, Governor Martin

tried to evade this rule as a special favor to Tarboro, but the assembly refused to seat the man sent up, and the governor reconsidered his claim of right in the premises. It was only by application to the governor and council that the number of borough towns was increased.

The common law of England and the general statutes of that realm were early declared to be in force in North Carolina. The highest court was that of chancery, which consisted of the governor and five members of the council for North Carolina, from which appeal lay only to the king and the Privy Council in London. The governor could issue injunctions to stay proceedings in courts, but no original process seems to have issued from this court of chancery.

The General Court, composed of all the judges, sat twice a year at New Bern to hear appeals. The Superior Courts could grant letters of administration and appoint guardians, a power that also rested with the governor and inferior courts. All matters in law and equity were cognizable in the Superior Courts, except small offenses against the criminal code and money demands not exceeding one hundred dollars in amount.

The governor and council were also required to meet twice a year in what was called the Court of Claims. On these occasions, they inspected the applications for grants of the king's lands and made orders to the secretary to issue grants in fee-simple with the invariable covenant for the annual payment of quit-rents on the lands thus conveyed. The governor issued his warrant to the surveyor general of the province, who in turn transmitted orders to his county deputies, setting out the boundaries and giving other necessary details.

There were two treasurers for the whole province. One of these accounted with the sheriffs of the northern counties for such taxes as were intended for provincial expenses, while his colleague discharged similar functions in the southern counties. They were elected by the assembly and disbursed only under the direction of that body. The positions were considered of great honor and were sought by the most distinguished men.

The receiver general collected the royal quit-rents, and was of

less power and importance than the secretary, who not only made out all land grants, but appointed a clerk of the crown in each county and issued all civil as well as military commissions. The district clerks of the crown attended to the criminal processes in the Superior Courts. Another clerk, appointed by the chief justice, confined his attention to civil pleas and thus divided the business of the terms much after the fashion of the late clerks and masters in equity. The auditor acted simply as a check upon the secretary and the receiver general.

In each county was a court of Common Pleas and Quarter Sessions. They were held by justices of the peace, and these were appointed by the governor and held their office during his pleasure. The jurisdiction of this court in criminal matters did not extend to offences for which the punishment was the deprivation of life or member, and in civil matters they only had cognizance of cases where the money demanded did not exceed one hundred pounds. The oldest record of these inferior courts is to be found in the minutes of the Berkeley Precinct Court still preserved in the office of the Clerk of the Superior Court of Perquimans County. In the enumerated powers which it conferred upon the justices, it was enacted that they should be authorized "to enquire of the Good men of the province, by whom the truth may be known, of all felonious witchcraft, enchantments, magic arts, trespasses, forestallings, re-gratings, and extortions whatsoever." This extract is interesting in that it shows the offenses which our forefathers considered worthy or deserving of punishment.

It has been noted that the government of North Carolina during the Royal Period was very much like that of England, and that corresponding to the king, who was the executive in England, was the governor, who was the supreme ruler in the province, and responsible to the crown for all of his acts, and not to the people whose affairs he was to administer. As he was the supreme authority in the province, in a study of the government of the province of North Carolina, he is the logical one to claim first attention.

The governor of North Carolina was appointed by the king of

England on the recommendation of the Board of Trade. The methods by which these appointments were secured were similar to those employed in the other departments of the British public service in the days of the Whig ascendancy. In a report submitted to the Board of Trade in 1715, there is an interesting statement of the principles of such appointments: "Governments have been sometimes given as a reward for Services done to the crown, and with design that such persons should make their fortunes. But they are generally obtained by the favour of great Men to some of their dependents or relations, and they have sometimes been given to persons who were obliged to divide the profit of them with those by whose means they were procured, the qualifications of such persons for Government being seldom considered." Later on in the colonial era, however, appointments were often made on more rational grounds, since with increasingly frequent communication between the colonies and the mother country, the former naturally exerted increased influence upon the choice made by the crown. The appointment of colonists to the governor's chair was not altogether uncommon in the eighteenth century.

The governor's tenure of office may be considered under two aspects, that defined by the terms of his commission, and the practical aspect determined by actual conditions. His legal tenure, as stated by his commission, was during the king's pleasure, with the formal limitation, imposed by English custom, that all patents terminated on the death of the king.

The newly-appointed governor, on his arrival in the province, published his commission and then took the necessary oaths in the presence of the council.

The governor of the Royal Province of North Carolina may be considered from two distinct standpoints. On the one hand, he was the centre of the local administration, the chief executive of the province; on the other hand, he was the agent of a larger and higher authority, the guardian of interests broader than those of his single province. As will be seen later, it was not always easy, or even possible, to keep in harmonious action the two forces of local feeling and imperial interest. Indeed, their

inevitable conflict constituted the chief difficulty of the governor's position.

It is easy to see, then, that the first duty of the governor was to serve as a means of communication between the province and the home government. He recommended to the colonial assembly the legislation desired by the crown, and furthermore, he was expected to keep the home government informed on a wide range of topics connected with the condition of the province and its administration. He was the head of the whole administrative machinery of the province, and in this capacity watched all the parts of the system, and, so far as possible, directed its movements.

It was his duty, not only to recommend desired legislation, but also to prevent the passage of all acts injurious to the interests of the crown and the mother country. Whenever the provincial interest and the imperial interest should come into conflict, his conrolling obligation was his duty to the crown.

In addition to the various ways in which the governor acted as the representative of the crown, the extension of parliamentary control imposed upon him a gradually increasing number of functions of another kind, connected with the enforcement of the acts of parliament. One of the first navigation acts, the well known statute of Charles II, required the governor to take an oath to enforce all the provisions of the act, under penalty of removal from his office.

As centre of the local administration, the royal governor of North Carolina was charged with many more duties. By the advice and consent of the council, he was empowered to grant lands, according to the terms issued by the crown or according to the terms of the acts of the legislature which the crown had approved. These grants, when sealed with the seal of the province and recorded in the land office, were legal as against all persons, even against the king himself.* He appointed, by the advice and consent of the council, men to fill all vacancies in the land office, and, in co-operation with the two houses of the legislature, enacted all the laws in regard to registration, alienation,

*Colonial Records, Vol. III, p. 90-118.

transfer, title by occupation, validity of patents, re-survey, rent-rolls, and the number of acres to be granted to any one person. Quit-rents and the conditions of escheat and forfeiture neither he nor the legislature could determine, as these were reserved as the crown's exclusive right.*

He was required to administer the oaths and tests to the members of the provincial assembly and the council, and was given power to suspend any councillor for sufficient cause, but only with the consent of a majority of the council. He was given the power and duty of keeping the official seal of the province, and of administering the oath in reference to the king's person to whomsoever he saw fit. He was authorized to issue the moneys raised by acts of the assembly, and to expend this money for the support of the government.

The governor also had all the powers that belonged to a captain-general or commander-in-chief; to levy, arm, muster, and command all persons residing in the province, to march or embark them for the purpose of resisting an enemy whenever occasion demanded it, and to transport the North Carolina militia to any American colony, if needed for its defence. His powers in the matter of defence was almost unlimited.

He could call a General Assembly whenever occasion demanded it, and he and the council were to be the judges of the necessity. He had a negative voice in the passing of laws and ordinances by the assembly, and none could be passed without his consent. He could also prorogue or dissolve the assembly to prevent the passage of certain bills.†

His judicial powers and duties were confined to establishing such courts of law and equity as he and the council deemed necessary for hearing and determining all cases, to the appointment of all the judges except the chief justice, and to the pardoning of fines and forfeitures. He could not, however, displace a judge or justice without a sufficient reason, the sufficiency of such being determined by the Board of Trade and the Crown.

*Raper, *North Carolina*.

†C. R., III, 66-73.

He was instructed to see that all persons committed to prison had the immediate privilege of the writ of *habeas corpus*.*

The governor's support was provided in a number of ways, but the most important part of his income was his salary which was paid out of the somewhat uncertain and fluctuating quit-rent revenues of the province.†

In addition to the salary, the governor had various other sources of income. The most important of these was perhaps the fees which were collected on a great variety of occasions, the amount of which was not at first fixed by law but regulated by "English custom," a vague limitation clearly liable to great abuses. These abuses continued in North Carolina until the passage of a law during the administration of Governor Johnston, and recommended by him, which provided for the regulation of fees by the legislature.‡ Johnston's successor objected to the measure on the ground that it was inconsistent with that article of his instructions which authorized the governor to regulate fees, but the Board of Trade decided that such legislation was not inconsistent with his instructions.§

This, then, in brief, is a sketch of the executive part of the royal government, the governor, his duties, powers, and rights. To some students of this period of North Carolina history it may appear that the governors of that time were, for the most part, worthless and vacillating, but one must bear in mind before so judging them that they were a part of an inefficient system, for the machinery of English colonial government in the eighteenth century lacked much in unity and dispatch. The Board of Trade was slow in making its decisions on colonial matters, and the law officers required still more time. The secretaries of the king did not pay much attention to many matters, though important. The records of North Carolina are full of evidence of the carelessness and dilatory habits of the home government. The governors, as a whole, however, were careful to keep the Crown well informed respecting colonial affairs. Most of them

*C. R., III, 90-118.

†C. R., III, 295.

‡C. R., IV, 229, 916.

§C. R., V, 643, 756.

attended to the administration of the province with much interest, though at times with little intelligence, their mistakes being mostly those of judgment. At times they adhered obstinately to the letter of their instructions and in so doing rendered their position and that of the Crown weak. They often forgot that the people under the proprietors had governed themselves almost without restraint, and often ignored the fact that a people with such a history would not readily yield to prerogative government.

The two royal governors who achieved least for the home government as well as for North Carolina were Burrington and Martin, but in so judging them it must be remembered that each was governor of North Carolina at a time when an unusual amount of tact and judgment was necessary. Burrington being practically the first governor of the royal province and consequently having to make the first attempts to uphold the royal prerogative, a theory, the spirit of which the colonists did not understand or appreciate. Martin was the last governor in royal North Carolina and as such had to face the revolutionary spirit that had been growing in the American colonies for years, and which had been especially active in North Carolina.

The governor was the head of the colonial executive of North Carolina during the royal period, but in the exercise of his powers he was assisted, and to a certain extent checked, by an executive council of twelve members. These councillors were appointed by the Crown, usually on the recommendation of the governor. The original rule as stated in the governor's instructions, was that the governor should always keep before the Board of Trade a list of persons best qualified for appointment as councillors. The number required was originally six, but the instructions to Burrington in 1730 required a list of twelve eligible candidates. This rule was evidently not always observed; hence on the recommendation of the Board of Trade it was so modified that as each vacancy occurred, the governor should send in a list of any number of names, from which the crown might make its choice.*

*Instructions to Dobbs, 1754.

The governor, in his nominations for the council, was directed to see that certain qualifications were complied with. For example, the councillors were required to be men of good life and "well affected to Our Government," of good estate, and not necessitous persons or much in debt; they were also required to be "inhabitants of the province."* Clearly the intention was to secure, as far as possible, the substantial men of the province, though undoubtedly many other elements had to be taken into consideration.

The councillors, therefore, did not receive their powers from the people of the province, and hence were not so much inclined to enter into their feelings. They were largely under the control of the governor, and their relations with him were usually close and friendly, for they both represented the same institution, the crown, and were amenable to the same power. They were largely under the control of the governor. He had the right to suspend them for certain causes, although they might be removed only by the Crown. He could suspend them for failure to discharge their duties, especially when such failure was accompanied by an absence from the province of more than twelve months without his consent. He was directed to send immediately to the Board of Trade the names of all councillors suspended by him, with a statement of the grounds of suspension, but this arrangement left him so nearly unrestrained that it was afterwards found necessary to require that all suspensions should have the consent of a majority of the council, to which the governor was to communicate the reasons for his action. If, however, the reasons were of such a nature that they might not be properly communicated to the council, the governor was to transmit at once to the home government a full statement of the charges against the suspended councillors.

Under these provisions the governor had considerable latitude in the exercise of the right of suspension, and indeed, even in the final removal of councillors his influence often prevailed. There can be little doubt that this power was often abused by governors who were disposed to take advantage of it to get rid

*Instructions to Dobbs, 1754.

of their opponents in the council, and to put into their places persons who might be relied upon to support the governor's interest. This danger led to a tendency on the part of the home government to check more closely the governor's power of suspension, with the result that in several cases suspended councillors were re-instated by special order of the Crown. So in 1761 the king sent an order to restore John Rutherford to his seat in the council. It is true that this reversal of the governor's action was not common, but the fact that it was possible and actually took place was of no little significance.

The councillors were not, as a rule, salaried officers. In general, like the members of the lower house, they had to content themselves with *per diem* allowances during the sessions of the assembly. In 1757 the Board of Trade recommended an allowance of fifty pounds per annum to be paid to each member of the council out of the quit-rents of the province.*

Having considered the organization, let us now turn our attention to its functions. These were of three general classes: In the first place, it was the executive body to assist, to advise, and in a measure to control the governor in the exercise of his executive functions. Secondly, it had some judicial powers, and constituted a court for the trial of certain kinds of offenses. Finally, it was the upper house of the provincial legislature.

An accurate description of its powers and duties as an executive board is not easy, many matters being, in the absence of definite statements, determined by mere usage. A few of its executive duties, however, may be determined.

The council was an executive body in that it was an adjunct to the governor, the president of the council acting as chief executive when the governor died or was absent from the province. As an executive board, the council was, of course, subject to the governor's call, for the conduct of business a quorum of three being required,† which in 1754 was changed to five. In executive meetings the governor presided and proposed matters for consideration, but he was directed to allow the council freedom of debate and vote.

*C. R., V, 787-788.
†C. R., VI, 526.

Another function of the council as an executive body is very clear—it was an advisory board. The councillors were bound “at all times freely” to give their advice to the governor “for the good management of the publick affairs of the government,” and were also to restrain as well as to assist the governor in the exercise of his powers. In the instructions to the governor was a long list of matters in which his power was limited by the proviso that he was to act only with the advice and consent of the council. This body, with the chief executive, issued the warrants and grants, decided upon the question whether lands should be granted to certain persons or not, and whether lands were escheated or forfeited. It was its duty also to see that the quit-rents were properly collected.* This council heard many complaints about the legality of grants, decided whether quit-rents were payable in certain products, and what should be the value of such products, summoned persons before them to show why they held or laid claim to lands, heard petitions for re-grants, erected a court of exchequer for adjusting all cases relating to the crown’s revenue from land, and appointed assistant barons to the said court.

The advice of the council was of course asked and given on a great variety of occasions and questions, though the extent to which the practice was carried naturally depended upon the personal characteristics of the governor on one side, and of the councillors on the other. Some governors excluded the council from the conduct of public affairs as much as possible, while others were inclined to throw responsibility upon it. The temptation to shift responsibility was particularly strong in questions of legislation. Indeed, governors often asked advice as to whether they might properly give their consent to particular bills, even though before coming to the governor at all a bill must have been previously passed by the council sitting as an upper house.

The council also shared largely in the general administration of the province. It appointed administrators of certain private

*Raper, *North Carolina*, p. 73.

estates, and sat in judgment over the administration,* heard complaints against the officers of the province and at times advised the governor to suspend them, heard and granted petitions for new precincts, ordered sheriffs to complete the collection of taxes by a certain time, and had the power of appointing a committee to act jointly with a similar committee from the lower house in examining and auditing all public claims and accounts.†

The council had many judicial powers and duties, but they were mainly of the nature of advice. It advised that commissions be issued appointing assistant justices of the general court, and that courts of oyer and terminer be held at certain times and places. With the governor, it issued commissions of the peace, appointing themselves, the secretary, attorney general, assistant justices, and the chairman of the precincts—all justices of the peace. The governor with at least four members of the council, could act as a court of chancery and decide all cases in equity.‡

The main legislative power of the council was to be found in its ability to hold up any legislative act until it gave its consent. It kept its own journals, and these give a great deal of evidence that the council played an important part in the law-making of the province. In most matters it had equal rights with the lower house, and in some it had greater powers. All bills were required to pass both houses, through three readings, and to receive a majority vote in each before they could go to the governor for his approval. Either house could make amendments to the other's bills, which caused frequent conferences between the two. The right of rejecting all bills to which it did not assent gave the council a great influence which it exercised when no agreement over the amendments could be reached. It is seen, therefore, that the council had a two-fold law-making function, one as an executive, and the other as a purely legislative body. It had the same right as the lower house to block

*C. R., III, 214-215.

†C. R., III, 405-410.

‡C. R., III, 204.

or hinder any legislation, in spite of the demands of the governor and of the other house.

As regards efficiency, the council as it existed in royal North Carolina was not of the highest rank, though its general policy was one of support of the government. During the administration of Burrington, the council did little but dispute over personal or constitutional matters. Under the succeeding administrations of Johnston, Dobbs, and Tryon, the council agreed for the most part with the governor, but even then was not as efficient as it should have been. Martin, the last of the royal governors, could not agree with the council at all, for the colonists were beginning to show a rebellious spirit against England, and the councillors, in the main, took the side of the colonists. The lack of efficiency of this body was also caused by the continued absence of its members whenever they did not want to attend, for they were colonists and their responsibility to the crown did not rest very heavily upon them, for they could only be suspended for continual absence, and the majority of them did not mind that.

In tracing the general relations of the council with the governor, much can be found both to its credit and discredit. As an executive body, it could not agree with Burrington,* in fact it disagreed with him so much that he wrote to the Board of Trade to the effect that some of the councillors offered more obstructions to his administration than the lower house did. On one occasion, a member of the council, by name of Smith, left the province, and Burrington called the council to nominate his successor, he not only having been a member of the council but chief justice as well. At his call, only two members appeared, Jenoure and Porter, who not being a quorum, could not elect a new member. Thereupon the governor asked these two about appointing others so that there might be a sufficient number to hold a chancery court. Jenoure readily assented to it, but Porter refused.† This led to a long discussion, during which

*C. R., III, 150.

†C. R., III, 196.

no chief justice was appointed, for which the councillors were as much to blame as the governor.*

Under Johnston and Dobbs, while never very efficient, the council acted in substantial agreement with the governor.

The relations between the council and Governor Tryon were very harmonious. On one occasion he wrote that the council had acted well and uniformly for the Crown's interest.† During the early part of Martin's administration, he and the council agreed upon most matters, but after 1772, the council was disposed to take sides with the people in their opposition to the principle of British control which he was attempting to compel them to accept and abide by. In April, 1774, he wrote to Lord Dartmouth that the conduct of the council as the upper house of the legislature at the last session was opposed to his administration, that it was unbecoming, and calculated to injure the interest of the Crown.‡

To sum up what has been noted as to the position of the council in the royal province, it may be said that, although it is a mistake to suppose that the council was always or necessarily under the control of the governor, yet, as might have been expected from its constitution, it was usually on the governor's side in his contests with the lower house, exercising on the whole a conservatiue influence, and, although it was not a very efficient body, still, in the main, it contributed much to the good government of the province. It exercised a beneficent restraint upon the lower house of the legislature, prevented the governor from making many mistakes, and brought respect and dignity to the home government.

The position of the executive—the governor and council—having thus been considered and its powers, duties, and acts discussed, as well as the function of the council as the upper house of the legislature, attention may now be turned to the other branch of the legislature, the assembly.

This lower house was first provided for in the charters of 1663 and 1665, and was in existence when North Carolina be-

*C. R., III, 370.

†C. R., VIII, 152-153.

‡C. R., IX, 969.

came a royal province. After this, the lower house was provided for in the commissions and instructions from the crown to the royal governors.

The governor, by this commission, had other important powers in the constitution of the lower house. In the first place, the calling of this body was left in his hands, subject, however, to the advice and consent of the council; but no assembly could convene without his action.

Elections to this house were held regularly in accordance with writs issued by the governor to the sheriffs directing the choice of a certain number of representatives from each district*. During the early part of the royal period, this gave birth to the question as to whether or not the governor had any discretion in the issue of the writ, so far, for example, as to determine the number of members who should be returned from a particular district, or to grant the right of representation to a new district. The governor insisted that he had precedents for his position, but this claim the lower house denied, and finally went so far as to exclude members from new precincts not fixed by act of assembly.† Finally, however, the home government interfered; the acts of assembly creating electoral districts being disallowed, and the principle was laid down that the right to elect members of the assembly ought to be conferred only by the Crown, a principle which was carried out in the form of proclamation issued by the governor in the king's name.‡

The governor was ordered, in his commission from the home government, to see that the members of this branch of the legislature were chosen from the free-holders only, and he was forbidden to allow them any protection other than of their persons during the session, or to allow them to adjourn without his consent otherwise than *de die in diem* except on Sundays and holidays.

Owing to the fact that elections were held in accordance with the governor's writs addressed to the sheriffs, who were his appointees, the governor had some opportunity to influence the

*C. R., IV, 534.

†C. R., III, 380.

‡C. R., V, 81-92.

election of members. Indeed, corruption of this kind was distinctly charged against several governors,* but this charge is supported by comparatively little direct evidence.

On becoming members of this lower house, the representatives were required to take from the governor the oaths of allegiance and supremacy of the crown.† After the house met, the governor claimed some control over the organization of it, based on the apparently innocent provision that these regular oaths should be administered by him. In his opening speech at the beginning of each session, he outlined his policy to the representatives, spoke of their rights and duties, and made his requests. He allowed them to choose their own speaker and clerk,‡ to keep their journals, introduce, discuss and amend bills, but the final decision was in the power of the council and himself.

Each member of the house was paid nine shillings and six pence for each day that he served. He was allowed the same amount for each day that he spent in travelling to and from the place of meeting. Any member that failed to put in his appearance on the precise day for which the house was summoned, unless he was detained by some disability, was fined ten shillings. Any member, who, after making appearance, absented himself without permission from the service of the house, was required to forfeit forty shillings for each day that he so absented himself, and was also made liable to the censure of the house for contempt.

After the house had been organized, the governor still had great power over it, inasmuch as the continuance of its sessions depended entirely upon his will, at least so far as the terms of the royal commission could confer that power. The governor was authorized by his commission to adjourn, prorogue, or dissolve all general assemblies as he might think necessary; and by a later instruction, he was directed not to allow the assembly to adjourn itself except from day to day.

In regard to the question of prorogation, it was held by the

*C. R., II, 159.

†C. R., III, 66-73.

‡C. R., III, 540.

law officers of the Crown that the governor might prorogue to any time or place; that he might even prorogue an assembly when not in session.* How was this power actually exercised? In the first place, sessions of the lower house that proved refractory were often prorogued, in the hope that a short interval of consideration might bring the members to a more favorable mood.† Furthermore, it was charged by the assemblies, and probably with some truth, that the governor used this power merely as a means of harassing the house in the hope of forcing it to accede to his demands. There can indeed be no doubt that assemblies were sometimes prorogued in order to prevent them from taking action not in accord with the wishes of the governor.

The question of dissolution now occurs. Prorogation merely ended a particular session; dissolution terminated the life of a house. It is therefore not difficult to see that the governor with this power of dissolution in his hands had a very effective weapon in his possession and so a very strong hold upon the house. This was the common method of getting rid of an obstinate house in the hope of securing one in its place that would prove more tractable. It was sometimes dissolved because the governor feared action that was inconsistent with his own interests. Of course the dread of dissolution must have had some influence upon the actions of members of the house who were by no means sure of being returned at a new election, but on the whole, it may well be questioned whether the dissolution of a refractory house brought the governor any great advantage in the long run.

Another feature of the right of dissolution and perhaps on the whole a more dangerous one, was the power to refuse dissolution. If it was advisable to dissolve an unfavorable house, it was just as clearly desirable to keep a compliant one when once chosen, a consideration which often caused the same assembly to be kept in existence for several years.

In addition to these constitutional means of influence, there was another effective method by which the governor acted on

*C. R., II, 576.

†C. R., VI, 243-244.

the lower house of the legislature, namely through his power of dispensing patronage, a function that was undoubtedly of considerable importance.

But the governor was not limited to this indirect influence; he was himself a part of the legislative system. He had the right to issue ordinances or proclamations of two classes, namely, those for the regulation of fees, and those for the erection of courts. The most common of the ordinances issued by him were those enforcing the provisions of statute or treaty, or those containing regulations regarding subjects which might fairly be considered matters of executive concern. An instance of this was the issuing by the governor in 1735 of a proclamation regulating the sale of liquor to the Indians.*

The governor was furthermore, as has been said, a part of the regular legislative system of the province, acting with the co-operation of the council and the lower house; the commission empowered him, with the consent of the council and the lower house, to make laws not repugnant, but as nearly as might be, agreeable to the laws of England.

Since the right of recommendation necessarily carried with it very little actual power, the governor was left to find his really important legislative function in the right to approve or to refuse to approve all bills passed by the council and assembly. The commission gave him a negative vote on all laws, statutes, and ordinances, "to the end that nothing may be passed by our said council or house to the prejudice of us, our Heirs and Successors." Furthermore, this veto was not merely suspensive there being no such thing as passing a bill over the governor's refusal to approve it.

The governor was restricted in his right to participate in legislation in that there were certain kinds of bills that he was forbidden to approve, a precaution intended to protect in particular imperial or British interests against injurious local legislation. He was not, for example, to allow the final enactment of bills for the issue of paper money, or for the imposition of discriminating duties on British ships or manufactures.

*C. R., IV, 45.

Having considered briefly the powers of the governor in relation to the lower house of the legislature, let us now look at the powers which the house had in itself, both regarding the general government of the province, and regarding the governor.

One of the privileges which the house claimed was that of determining the suffrage. What this was during the royal period it is impossible to judge, but as the royal government began with the principle of freehold suffrage, it would seem that this was the rule throughout the period. The house also claimed the right of making inquiries into the election returns of its members.*

Besides these special privileges, the lower house also had certain specified powers, some of which the crown gave by voluntary grant, while others came to it by custom or assumption. Along with the powers were their correlative duties. The lower house exercised great power in regulating territorial system, especially in excusing the colonists from the penalties of non-compliance with the regulations. During this period seventeen acts concerning land were passed by the house and agreed to by the governor and council and the crown.† These acts were concerning the proper settlement and cultivation of land, enrollment and registration, titles, rent-rolls, quit-rents, and the relief of those who failed to comply with the laws and regulations. Not only did it take a leading part in passing the acts, but it exercised a general supervision over the administration of the whole land system.

The lower house had a great deal to do with the general administration of the province. It acted jointly with the upper house, or council, in inspecting and settling all public claims and accounts. It ordered all the public treasurers to lay their accounts before it, and often appointed and controlled them, attempted to ascertain and regulate the fees of all officers, prescribing in what they should be paid and at what rates, complained of the bad conduct of officers and of the lack of courts, made addresses to the governor and the Crown concerning the laws,

*C. R., III, 288-289.

†Raper, *North Carolina*, p. 94.

currency, trade, lands, rents, and tenants of the province, and appointed and controlled for the most part an agent who resided in England. The governor in his opening speeches encouraged most of this and asked the representatives to promote the welfare of the province by establishing a good system of trade, religion, and education. This request of the governor gave them a legal right to look after the general administration of the province in several matters, and they assumed other rights as belonging to themselves by virtue of the fact that they were representatives of the people who were governed and who paid the taxes. Chief among these rights was the appointment and control of the treasurers of the province. The governor was, naturally, greatly opposed to this claim and declared that the house in making it was assuming to regulate the executive and was, therefore, taking away from his his constitutional rights.* But in spite of the protest of the executive, the lower house appointed and controlled most of the treasurers.

This body of representatives also had a great part in passing the acts providing for the organization of the militia and for defence. It was to the lower house that the governor applied for soldiers, arms, supplies, and forts, either for defensive or for offensive warfare, to which requests the lower house generally acceded. In cases of insurrection in the province, such as that of the Regulators in 1771, the lower house took a prominent part in suppressing them. So it was that the house, while in theory it had but little military power, exercised great influence over military affairs, for the governor was very often forced into a position where he must have soldiers and money, and he could do nothing towards getting them without the sympathy and aid of the house, to gain which he often gave up many of his prerogatives.

The part which the lower house had in the passing of acts for the government of the province was great, but it was often hindered in the exercise of these powers by the governor's power to adjourn, prorogue, or dissolve it.

Perhaps the greatest power which the lower house exercised

*C. R., VI, 1253.

was in regard to judicial matters. It made resolves about the proper or improper method of administering justice, and, with the upper house, it decided on juryment for the counties, and it often petitioned the governor to pardon violators of the law. The history of the royal period shows a constant attempt on the part of the lower house to deal with the qualifications and time of service of the judges, in which it was strongly opposed by the Crown, and consequently the governor, and in which it never attained any signal success.

Besides these general powers in the administration of the province as a whole, the lower house also exercised a control over the governor. In the first place, it was a check upon the governor through its very existence as a critical body empowered to inspect accounts, and eager to detect abuses in the provincial administration; furthermore it gave to the public sentiment of the province a constitutional means of expression; it organized public sentiment and thus made it effective. The value of such influence is easily under-rated, but an assembly which performs this function, even though it be without any power of legislation, or without the control of the purse, has yet within its hands a weapon against arbitrary government which is not to be despised.

By far the most important check upon executive action possessed by the house was certainly that exercised through its power over the purse. Inasmuch as no government can maintain itself without money, it is evident that a body that has the power to grant or refuse supplies holds the key to the situation. Such was the case in North Carolina during the royal period. No principle was more firmly held than this, that no taxation within the province was legal without the consent of the lower house, and this doctrine came more and more to mean the domination of the lower house, not only in all financial legislation, but by giving the house a means of controlling the governor, which more than counteracted the measure of power which he possessed over it. In this control of the financial situation, the assembly had a formidable weapon which it used, not only as an instrument of security against abuse of executive

power, but also as a means of extorting from the governor important powers properly belonging to the executive.

There is one phase of the subject regarding the control of the house over the purse which requires a special treatment, namely, the salary question. The Crown had very early adopted the practice of throwing the support of the provincial government, including the granting of official salaries, upon the provincial legislature, and the North Carolina legislature had passed a resolution which ordered the payment of such salaries "out of the revenue arising by the Quit-rents and the sale of Land."* It soon became clear, however, that if salaries were to be granted by the house, this body must in the long run control the amounts of those salaries, and must even have the power to withdraw them if it saw fit. This was a dangerous situation from the standpoint of the home government, which soon awoke to an appreciation of the fact that, with a governor dependent for his support upon the temporary grants of the assembly, the Crown would lose one very strong hold upon the colony, for the assembly often used its power improperly.

There can be no doubt that it is the general tendency of the legislature, when once firmly established, to encroach upon the proper functions of the executive, especially by minute supervision and control; and that in the case of the North Carolina assembly this tendency was greatly strengthened by the misconduct of governors. The popular policy soon became, therefore, to insure as far as possible the governor's dependence upon the lower house by the system of temporary grants, and to weaken the executive as far as possible by the transference of many of its proper functions to the house.

As has been shown, the assembly had gained its power chiefly through its control of the purse; it was therefore natural that the first assumption of executive powers by the house should be in the department of finance. The house, as the body invested with the exclusive right of granting the people's money, felt that it also had the right, in its representative character, to determine how that money should be spent. The representatives claim-

*C. R., III, 295.

ed the right, not only to appropriate money in general terms, but to define narrowly and in detail the uses to which it was to be put, holding that it was their right and duty to provide all necessary safeguards for a proper application of the money to the purposes for which it was intended. It is clear that this view might easily lead to an assumption by the lower house of powers properly executive, which it eventually did, for Governor Dobbs on several occasions complained to the crown that payments of public moneys were made without his warrant.* Thus the assembly had in many cases deprived the governor of even that limited control over finance involved in the requirement of his warrant for the payment of public debts.

From this fundamental assumption that the house as the representative of the people was the constitutional guardian of the people's money, there was only a short step to the claim by that body of the right to appoint those officers who were charged with the collection, custody, and disbursement of the public funds. The prevailing doctrine of the North Carolina assembly is summed up in the following resolution passed in 1753: "Resolved, That it is the inherent and undoubted Right of the Representatives of the People to raise and apply Monies for the Service and Exigencies of Government, and to appoint such Person or Persons for the receiving and issuing thereof as they shall think proper, which Rights this house has exerted, and will always exert, in such manner as they shall judge most conducive to the service of His Majesty, and the Interests of His People."†

The most important exercise of this assumed right was the appointment by the house of the provincial treasurer, which was usually done by formal act of assembly; sometimes, however, being done by a simple resolution of the lower house. Even when appointment was made by formal act of the assembly, the lower house clearly had the real choice; for such a bill, like all others having to do with financial matters, would originate in the lower house, and amendments by the council would be sure

*C. R., VI, 320.
†C. R., V, 758.

to meet with resistance. In 1760 the council ventured to change the name of the treasurer as given in the bill from the lower house, and the latter agreed to make the change, saying, however, that its consent that time should not be construed by the council as establishing a precedent of the right of the council to propose or nominate persons for that office, and resolved "that it is the inherent right of this House to nominate persons to be appointed to the office of Public Treasurer."* The home government made a virtue of necessity by instructing the governor that, although the appointment of treasurers by act of assembly was irregular, yet it would be improper to set aside a usage of such long standing.

This appointment of the treasurer by the lower house took the control of the provincial finance almost entirely out of the governor's hands and placed it in those of an officer who was generally regarded as "solely and entirely a servant of the assembly."† The treasurer was often a person of considerable importance as is shown by the fact that in 1737, Governor Burlington wrote that Edward Moseley, the treasurer, was also speaker and manager of the lower house.‡

The interference by the lower house with the appointing power was not confined to the choice of treasurer, but extended to a large number of other offices, chiefly those concerned with the collection or payment of public money.

From the administration of finance and the appointment of officers, the lower house was gradually led to encroachments upon another department, the control of which may with even greater propriety be regarded as the exclusive right of the chief executive. If there is any function which especially requires a concentration of authority in a single head, it is certainly the command of military forces and the conduct of military operations. Yet even into this field the lower house forced its way, availing itself of the exceptional opportunities for such encroachments afforded by the frequent wars of that period. The urgent need of supplies for military purposes occasioned by

*C. R., VI, 508.

†Pownall, *Administration of Colonies*, p. 52.

‡C. R., III, 151.

these wars enabled the assembly, in making its grants of money, to impose the most stringent conditions. This power it used in three general ways: In the first place, in granting military supplies it often prescribed in detail the purposes for which they were to be used, and dictated the course of military operations and the disposition of troops. Secondly, it left in the hands of committees of the lower house the disposition of these funds, often with a very considerable control of the conduct of military enterprises. Finally, through the appointment and removal of officers, it went so far as to interfere with the discipline of the troops. It did not often, if ever, claim the right directly to appoint military officers in the strict sense of the term, but it sometimes interfered seriously with the discipline of the troops by attempting to enforce the removal of such officers as it did not want. It is clear that the assembly did in military affairs seriously encroach upon the governor's prerogative. This attitude, or situation, may be summed up with the remark of Chalmers in regard to the last of the Indian wars: "The king's representative acted merely as the correspondent of his ministers. The war was conducted by committees of Assembly."*

In regard to the interference of the assembly with external relations, a few words will suffice. These external relations were chiefly of two kinds; inter-colonial interests, and Indian affairs. As to questions arising between North Carolina and the neighboring colonies, the appointment of commissioners to deal with boundary disputes was often made by the house, and finally received in some cases the sanction of the crown itself. In regard to relations with the Indians, the house showed a similar disposition to assert its control in the form of demands on the governor, as, for instance, that he should take the council of several members of the lower house in his negotiations with the Indians.

It has now been seen to how great an extent the lower house in various ways encroached upon essentially executive functions of the governor. These usurpations, or whatever else they may

*Chalmers, *Revolt*, pp. 300-301.

be called, probably reached their height during the last of the Indian wars, when the pressure upon the governor was of course greater than at any other time. This policy accomplished the end for which it was taken up, namely, the weakening of the governor, who if not personally an object of distrust and suspicion, was at least looked upon as the representative of interests at variance with those of the colony.

But it must not be concluded that the governors were content with such a course of events and that they sat idly watching the slow but sure encroachment of the lower house on their executive powers, for they were, on the contrary, fighting the advancing powers of the body with every means in their power, and were constantly engaged in conflicts with the representatives of the people. This conflict, increasing in intensity each year, makes up the greater part of the history of the royal period. The governor represented first the monarchical idea of prerogative, and secondly, the principle of imperative control, whether re-exercised by king or parliament. The assembly, on the other hand, stood not merely for the representative principle in government, but also for distinctly local interests. The policy of the colonial legislature at its worst expressed a particularistic spirit, disregarding sound considerations of national or imperial policy; at its best it stood for the vital principle of local self-government and for the protection of legitimate American interests as against a narrow English policy.

The royal government of North Carolina reproduced on a smaller scale the constitution of the mother country. As the governor felt the responsibility of maintaining within the province the prerogative of the crown, so the lower house found support for its privileges and encouragement for its aspirations in the example of the English House of Commons. The colonial records of North Carolina reproduce in surprising detail the parliamentary conflicts of the mother country. Nevertheless, these ambitions of the colonial legislature met with but little sympathy from British statesmen of either school; the colonial prerogatives of the crown were identified with the political supremacy

of England, and therefore had the support of English Whigs as well as English Tories.

Some of these disputes were of a trivial nature, but most of them were based on vital constitutional points.

The first important question that came up during the royal period that showed the breach that had come between the executive and legislative branches of the government in North Carolina was one concerning the administration of the territorial system, which was precipitated in 1731 by Governor Burrington's hostile attitude. The assembly in this year adopted a resolution in which it declared that there was not coin enough in the province with which to pay the rents, as ordered by the latest instructions from the crown, and that, therefore, such payments should be made in such valuable commodities or bills as were convenient, at a proper rate of exchange. The governor insisted that the payments should be made in coin or in bills at a very low rate of exchange, and that payment in commodities at the rate desired by the assembly was to the great disadvantage of the crown. The assembly valued the commodities at high rates, and demanded that the bills be accepted at a small discount. A conference was held in May, but nothing was accomplished on account of the unwillingness of either side to yield.*

In the legislature which met two years later there was a re-opening of these disputes. The assembly still held to its original demands that quit-rents should be paid in commodities, while Burrington maintained that they were due in coin. His attitude was such as to keep the quarrel at fever heat, and the result of it was that the lower house finally made the claim that the deed of 1688 from the proprietors, known as the "original deed," or the "Great Deed of Grant," was a permanent and binding document, and that, therefore, the crown had no right to give instructions concerning quit-rents which were contrary to this deed.† This claim practically denied the right of the crown to regulate the territorial system, an assumption which was without legal or constitutional basis, and was virtually an

*C. R., III, 143-144, 279-280.

†C. R., III, 598-599.

assertion by the assembly of virtual independence. In demanding that quit-rents should be paid in commodities, they were ignoring the rights of the Crown and depriving it of some of its legitimate dues, and the governor in refusing assent to such demands was doing his duty. But, on the other hand, he was going to extremes in claiming that quit-rents should be paid in specie only, for there was very little coin in the province, and to demand of the colonists payment in specie only was a hardship on them and a mistake on the part of the governor.

Governor Johnston proved himself to be more open to compromise than his predecessor had been, and so his disputes with the lower house were not as serious as those of Burrington. They were caused, however, by the same assumptions on the part of the assembly and the executive, which finally led to another declaration on the part of the house that the governor's demand that quit-rents be paid in specie was illegal. It asked the governor to have the rents collected according to the customs of the province until a law to that effect could be secured.* Johnston immediately informed the house in a message that its ideas concerning quit-rents were contrary to the king's rights and privileges, because the "original deed" was not irrevocable, having been revoked by the proprietors in 1760; and that North Carolina had adopted the crown laws when she became a royal province.† His arguments, however, failed to convince the members of the house, and no act was passed by that body.

In regard to fees, Johnston and the lower house did not often dispute. Still they had different opinions concerning the amounts of fees, in what they should be paid, and who had the right of regulating them‡. From 1736 to 1774, the lower house at times made complaints about certain officers demanding and taking exorbitant fees, but for the most part the governor was as ready as the representatives to correct such abuses; and during this period, the evidence, both of a positive and negative nature, would indicate that the lower house and the governor

*C. R., IV, 109-110.

†C. R., IV, 110-114.

‡C. R., IV, 173-178.

were willing to compromise on fees, as they did on territorial questions.

The conflicts arising from the question of fees did not originate in the fee system itself, but had reference to the form of their payment and the parties who should regulate them; they were, therefore, conflicts arising chiefly from the fiscal side of the system. Both parties, the executive and the lower house, in the main agreed that there should be a system of fees. They were willing to allow certain fees to the governor, the officers in chancery and admiralty, the attorney general, marshals, collectors of customs, registrars, surveyors, escheators, constables, justices of the peace, and clerks of the different courts. Fees constituted the chief or only compensation of most of these officers. On the question that they should be allowed, the executive and the lower house agreed, but in regard to some of the details of the system, they entertained very different views.*

The disposition and control of the public revenue were subjects of much controversy between the house and the governor during the larger part of the royal period. During April, 1731, the lower house, in reply to the governor's speech, discussed fiscal matters and declared that no public moneys should be issued except by the governor, the council, and itself. One of Burrington's instructions directed him to allow no money to be issued or disposed of except by his warrant issued upon the advice of the council, but he was not to allow the lower house to review and examine the accounts. This instruction was intended to take the distribution of public funds largely away from the lower house and to allow it no further control than that which it might have from the reviewing of expenditures. The house refused to accept such an instruction, at least Burrington's interpretation of it, and claimed that the act of 1715, concerning the public treasurer, gave more power than that involved in reviewing and examining accounts. Burrington would not recognize such a claim, and held that his instructions from the crown had legally superseded all the laws of the proprietary period. During his whole administration, conflicts

*C. R., III, 159-168, 270-272, 496-498; VI, 1097; VII, 796.

upon this subject continued between himself and the house. It claimed the privilege, which it had enjoyed during the proprietary period, of having a large share in the distribution of public money, while he insisted rigidly upon the letter of his instructions concerning their disposition.* Not only did the representatives refuse to recognize his claims, but they proceeded to carry their own into action. They appointed and, therefore, controlled the public treasurers; they had already, by an act of 1729, established that office in eleven precincts, and the control of these was in their power.

But it was upon judicial problems that the struggle between the governor and the house became great and serious. These problems became important in May, 1760, when the house presented to Dobbs a bill for the establishment of superior courts of pleas and grand sessions. He rejected it, and then laid the bill, with some of his instructions, before the chief justice for an opinion. He was instructed not to appoint any person to be judge or justice of the peace without the advice and consent of at least three councillors signified in council meeting, and that all commissions to judges and justices of the peace be during his pleasure only. Dobbs claimed that the bill violated the Crown's rights as expressed in the said instructions. He also argued that the house, in nominating the associate justice, had taken from him and the council the right of appointing justices, and that the clause which made the commission during good behavior was an open violation of the rights of the Crown. This argument, though legally sound, did not convince the chief justice that the bill should be rejected. He advised the governor that the bill, although containing some strange ideas, should be accepted, as it was the best one possible under the circumstances.† Neither did the governor's argument cause the house to change its position, and the struggle continued. But the principal effect of it was that the province fell into great disorder because of the lack of courts, and by the end of 1762,

*C. R., III, 265.

†C. R., VI, 246-248, 408-409, 413-417.

Dobbs assented to bills for superior courts as for inferior courts for two years, in spite of several objectionable clauses.*

The governor and the house also became involved in a conflict over the questions of representation in the assembly, and what should constitute a quorum, matters which may for convenience be called constitutional privileges. The questions, though never critical, were at times annoying, and were never fully settled. In 1750 the house claimed that the Crown had no right to compel counties and towns to take out charters of incorporation from the governor before they were entitled to representation. Dobbs declared the claim contrary to the rights of the Crown, and opposed to his instructions from the Crown.† He was correct in his position, being backed up by specific instructions from the Crown and so the house soon ceased to press its claim. The question of the quorum was far more important. In 1760 Dobbs asked that the house act with fifteen as a quorum, It refused to do so, and denied his right of determining what should constitute a quorum, claimly that as peculiarly its own. Acting on this assumption, it sometimes would allow twenty-five to act and again it would not make a move towards discharging business without a majority of its entire number.‡ In taking such a position, the house was acting directly contrary to the Crown's instructions, which specifically stated that fifteen members should constitute a quorum.§ But as this was a point of considerable importance, it would not obey the crown, and would not act without a majority, or at least twenty-five of its number, whenever the whim struck it. It was much more difficult for the governor to control from twenty-five to thirty-five members than fifteen, and with a small quorum, it was thought, he might easily pass acts against the interests of the people, while with a large one it would be practically impossible.

We have now seen that the conflicts between the governor and the lower house arose from their different points of view on questions of land, fees, money, courts and judges, and con-

*C. R., VI, 890-892.

†C. R., VI, 245.

‡C. R., VI, 319-324, 344-345.

§C. R., V, 1111.

stitutional privileges. The fact has been made apparent that the governor and the council were practically a unit in their point of view and in their attempt to maintain the rights and interests of the Crown. The attitude of the executive toward the lower house was, as we have seen, for the most part, supported by precedents and was in substantial accord with the royal instructions which constituted the chief guide of his official conduct. In some respects they were very specific, and the governor was required to act according to them if possible. In other respects, much was left to the interpretation and discretion of the governor. These conflicts arose between the governor and the house over both the specific clauses and those in which the executive had discretion. The house in questioning or denying the one was attacking the policy of the Crown, but in disputing over the other, it was merely doubting the interpretation of the officers of the Crown who resided in the province. The house was also influenced by the fact that it felt as its duty the maintenance of the rights and interests of the colonists. Although many of its claims appear to be more in the nature of assumptions than founded on a strong legal basis, such a stand against a higher power, a stand which grew more and more determined each year, was caused by the fact that there was beginning to creep into the minds of these representatives, as well as of the colonists generally, the idea that there was something greater than English law as applied to a colony—the principle of freedom and democracy—and it was this strong and growing desire for independence that caused these sturdy North Carolinians to oppose the encroachments of the executive as the representative of all that appeared to them tyrannical and oppressive. These quarrels were the first rumblings of the approaching storm that was to sweep away all vestiges of English government in her thirteen American colonies. For generations these colonists had bowed their necks under the yoke of illegal and unjust exactions, slaving as it were, for their masters across the seas, but they were now beginning to desire and feel the glad sunshine of freedom, and arising at last from the heavy slumbers and barbarous dreams that had so long haunted their minds, were about to join in glad acclaim to usher in the Golden Era of Humanity and the Universal Monarchy of Man.

LAND TENURE IN PROPRIETARY
NORTH CAROLINA

BY

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LAND TENURE IN PROPRIETARY NORTH CAROLINA*

In any study of land tenure in Colonial North Carolina during the Proprietary Period, one fact must be kept constantly in mind: namely, that the territory of North Carolina was given by Charles II. to the eight Lords Proprietors. The entire control of the colony, its government, its laws, its property, its lands, was placed absolutely in the hands of the Proprietors, subject only to the limitation that laws and government were to be in accordance with English law and loyalty to the English Crown. The colony was the property of the Proprietors, property granted by the Crown of England, property with which they could do as they pleased. It is the purpose of this paper to trace throughout the Proprietary Period the system of land tenure in the colony of North Carolina.

The Proprietors were not the first to have claims on land in North Carolina. In 1630 Charles I granted to his attorney-general, Sir Robert Heath, all that land extending from the coast westward for more than one thousand miles and lying between the parallels of 31° and 36° north latitude. The province was to be called Carolina. No particulars concerning any settlement made under this grant have been found. Attempts at settlement were made, however, for from the Virginia records it appears that one William Hawkes was in Virginia as "governor of North Carolina," and that leave was granted by the Virginia legislature to colonize in Carolina to one hundred persons from Virginia, "freemen, in being single and disengaged from debt." Whether or not these settlements were made at the instigation of Heath, is not known. Whatever else they were, they were certainly abortive, since Heath's patent was later declared void by the King and Privy Council of England on the express ground that its purposes had never been fulfilled.

As a matter of fact, lands in Carolina seem to have belonged

*This study won the second prize offered in 1912 by the North Carolina Society of Colonial Dames of America.

only to the savage Indians, with the colony of Virginia the only civilized government exercising any sort of authority over them. Virginia seems to have had power to make grants in Carolina, for in 1653 the assembly of Virginia granted:

“Upon petition of Roger Green, clarke, on behalf of himself and inhabitants of Nansemand River,—10,000 acres of land unto 100 such persons who shall first seate on Moratuck or Ronoake river and the land lying upon the south side of Choan river and the branches thereof; Provided that such seaters settle advantageously for security, and be sufficiently furnished with ammunition and strength, and the said Roger Green the rights of 1000 acres of land and the choice to take the same where it shall seem most convenient to him, next to those persons who have a former grant in reward for his charge, hazard and trouble of first discoverie and management of others for seating those southern parts of Virginia.”

This, however, ungrammatical, is the record of the grant for the first permanent settlement in what was later to be North Carolina. It would seem that the territory of Carolina was considered to be under the control of Virginia. Yet “the earliest grant” made in North Carolina of which we have any copy was made by Kilocacanen, king of the Yæpin Indians, on March 1, 1662 to George Durant. By it the Indian king

“For valeiable consideration of satisfaction received with the consent of my people sold, and made over to George Durant a Parcell of Land—betwixt the aforesaid Bounds of Samuel Pricklove and the said Creek; [called in the grant Awoseake] thence to the Head thereof.” Durant was “to have and to hold the quiet possession of the same forever with all the rights and privileges thereunto forever from me or any Persons whatever.”

It will be noticed that the “first grant” mentions another made to Samuel Pricklove. No record of such a grant has been found, but its mere mention is proof enough to show that purchase direct from the Indians was a way of securing land before the great grant was made to the eight lords proprietors.

The Virginia governor was instructed by the Crown to make grants in Carolina. In 1663, Governor Berkeley made a grant of 750 to Thomas Relfe in consideration of the fact that he had transported fifteen persons to Carolina. Relfe was to pay each year at the feast of St. Michael one shilling per fifty acres. Similar grants were made to Robert Peel, John Harvey, John Haydin, John Jenkins, and George Catchmyed. Lands obtained at the same time from the Indians, however, had the prior claim, for there is a record of the same George Catchmany, or Catchmyed, who, having obtained a grant from Berkeley, and having found that portions of it overlapped the land obtained from the Indians, surrendered this land without compensation. Indeed, in 1773 the assembly of Carolina passed an act to allow every "inhabitant of this County [Albemarle] the privilege to have the first survey of the land he liveth on and layeth claim to adjoyninge to him having rights to lay upon it sufficient to hold the same and the first seators to have the privilege to the first survey." The fact seems to be that, although Virginia made grants in accordance with the instructions from the Crown, the land in Carolina really belonged to the Indians; that titles received from Virginia were not valid against those received from the Indians.

However this may be, the ownership of the land was settled once and for all when on May 23, 1663, Charles II. granted to Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkeley; Anthony, Lord Ashley; Sir George Carteret; Sir William Berkeley; and Sir John Colleton, "all that territory or tract of ground, situate, lying and being within our dominions of America, extending from the north end of the island, which lieth in the southern Virginia seas, and within six and thirty degrees of the northern latitude, and to the west as far as the south seas, and so southerly as far as the river St. Matthias, which bordereth upon the coast of Florida and within one and thirty degrees of northern latitude, and so west in a direct line as far as the South sea aforesaid; together with all and singular forts, . . .

rivers, isles, and islets belonging to the country aforesaid; and also all the soil, lands, fields, woods, mountains, situate or being within the bounds with all the fishing, all veins, mines, quarries, of gold, silver, gems, precious stones, found within the countries, isles, and limits aforesaid."

In the charter which the king gave to the proprietors when he made them this great grant of territory almost absolute powers were conferred. The territory was erected into the "Province of Carolina". Charles granted full and absolute powers, by virtue of these presents, to them and their heirs for the good and happy government of the said province, to ordain, make, enact, and under their seals to publish any laws whatsoever, either appertaining to the public state, or the private utility of particular persons." These laws were to be executed upon all persons within the said province. The proprietors were to have ample authority to see to the execution thereof. Everything connected with the enactment and execution of laws was placed in their hands, the only limitation being that the laws were to be "consonant to reason, and, as near as can be conveniently, agreeable to the laws and customs of our kingdom of England." During the interregnum of the assembly provided for, the proprietors, or their deputies, could by ordinance make laws for the people, which laws were binding.

To encourage emigration to the colony and to secure the rapid settlement of the province, freedom of emigration was given to all "leige people" within the British Empire. Still another provision of the charter in keeping with this idea of encouragement, and, at the same time, showing how absolutely the Crown surrendered whatever rights it may have had, is shown in the provision that all settlers and people living within the province might "inherit, or otherwise purchase and receive, take, hold, buy, and possess, any lands, tenements, or hereditaments within the same places, and them may enjoy, occupy, and bequeathe; as likewise all liberties, benefices, and privileges of this our kingdom of England and of our other dominions aforesaid, and may freely and quietly have, possess, and enjoy, as our

leige people born within the same, without the least molestation, vexation, trouble, or grievance of us, our heirs and successors." Freedom to load and unload freights and imports was given the proprietors. They were given the privilege of importing free of duty silks, wines, almonds, "oyl", and olives. Privileges to erect forts were given. The money secured from the duty on imports was to go not to the Crown but to the proprietors.

The proprietors at their pleasure were given the right to "assign, alien, grant, demise, or enfeof the premises, or any part or parcels thereof, to him or them that shall be willing to purchase the same, and to such person or persons as they shall see fit in fee simple or fee tayle; or for a term of life or lives, or years, to be held by such rents, services, or customs as shall seem meet." The Crown renounced forever all control in the matter of the grant or sale of lands, the province being given to the proprietors to do with it whatever they chose.

These extracts from the charter of Charles II., are enough to show that Carolina had been given outright to the proprietors. The history of the colony and of everything connected with it is from this time forth until 1728 the history of the proprietary government. We shall now see what the proprietors did with the territory thus given to them.

The proprietors promptly set about seeking to get the province settled. On August 12, 1663, several "Gentlemen of the Barbadoes" offered to settle in Carolina if the proprietors would give a tract of land about thirty miles square and would make certain other "encouragements". They agreed, however, to bear the expense of settling the land thus given. In answer to this on August 25, 1663, the proprietors issued a set of proposals to all "that will Plant in Carolina". They agreed in these proposals to allow a colony to settle on Charles River near Cape Fear on the larboard side. . . . if on any other river on either side, 20,000 acres being reserved to the proprietors." The colony was to fortify the entrance of the river. Of the colonists, thirteen were to be named to the proprietors, from which number a governor, six councillors, and six deputy coun-

cillors were to be chose. Two freeman out of every parish or other division of the colony were to be chosen to form an assembly which was to make laws subject to the advice and consent of the governor and council, and in accordance with English law and custom.

Land was to be granted on the following conditions:

"We will grant to every undertaker for his own head, one hundred acres of land, to him and his heirs forever, to be held in free and common socage; and for every man-servant that he shall bring or send thither, that is fit to bear arms, armed with a good firelock musket, perfored bore, 12 bullets to the pound, and with 20 pounds of powder and 20 pounds of bullets, fifty acres of land; and for every woman servant, 30 acres; and to every man-servant that shall come within that time 10 acres at the expiration of his time; and to every woman-servant 6 acres at the expiration of her time. Note that we intend not hereby to be obliged to give proportions of land above-mentioned to masters and servants, longer than the first five years, to commence at the beginning of the first settlement. . . We do expect by way of acknowledgement, and toward the charge that we have been and shall be at, 1 half penny for every acres that shall be granted as aforesaid, within the time limited and expressed."

In their instructions to Governor Berkeley, the proprietors declared it to be their wish that the plots described above should be adjoining in a line along the river. By this means they hoped to have two hundred armed men within each mile and a quarter square. Berkeley was instructed to set aside 20,000 acres for the proprietors. He was further instructed to allow the settlers, if they wished it, three to five years in the payment of their quit-rents. Those who had previously bought land from the Indians were to be paid by the settlers who secured the land.

The governor and council provided for were given the duty of issuing warrants for lands granted. These warrants were to be entered with the surveyor-general before delivery. The surveyor was to run out the land and certify to the secretary the bounds

of the territory granted each person. This certificate was to be recorded by the secretary. In his turn, the secretary was to certify what the surveyor had done to the governor and council who should then put under seal the land granted by the secretary. The governor was instructed to "persuade and compell those people [who had previously bought great tracts of land from the Indians] to be satisfied with such proportions as we allot to others." For the proper surveying and recording of these lands, the proprietors gave instructions for the appointment of a secretary, a chief register, and a surveyor-general.

In the same letter of instructions, dated September 8, 1663, Berkeley was told that "Carelyle Island, lying near Roanoke and Chowan rivers" had been granted to Sir John Colleton, one of the proprietors.

Whatever settlements were made by the "Several Gentlemen of the Barbadoes", they did not prove permanent. The above account was given in order to show on what grounds the proprietors were willing to make grants of land, and what inducements they were willing to offer. In 1665 another proposal to make a grant was made to John Yeamans. This grant is of more interest in the history of South Carolina than in that of North Carolina, for it was on Charles River that the Yeamans settlement was made. Nevertheless the proposal to grant in Clarendon County also contained the amount of land to be granted and the conditions thereof in Albemarle County, or North Carolina proper.

If the settlers came to the county of Albemarle, eighty acres of land were to be given to each freeman and eighty to his wife if he had one. For each man-servant brought, the settler was to get eighty acres; for each woman-servant, forty acres. These portions were to be given to those who came at once. Smaller portions were to be given to those who came later—forty acres to a freeman who came in the third year of settlement.

Land in both Clarendon and Albemarle counties was to be held on the following conditions: All of it was to be taken up and settled immediately. For thirteen years one able-bodied man-servant or two women-servants were to be on each one

hundred acres. Three years were allowed for the completion of this settlement. The lands were to be divided by general lot into plots, none of which were to be less than 2200 acres, none more than 22,000 acres. One-eleventh of each plot was to be reserved for the proprietors. On every twenty-fifth of March one half-penny for each acre received was to be paid to the proprietors. Lands for churches, forts, highways, and public buildings was to be free of the quit rent.

From this it would appear that the proprietors, according to their knowledge of the country and their understanding of conditions meant to do all in their power to settle the province quickly. No purchase money was required to be paid for the lands granted, as it was given free of charge except for the annual quit-rent. But the differences in the quantity granted in Virginia and in North Carolina and the differences of conditions on which land was granted in the latter territory at once aroused opposition. By June, 1665, the surveyor-general for Albemarle, Thomas Woodward, wrote the proprietors a letter in which he pointed out their mistake and told them that the restrictions were hurting the colony. He pointed to Maryland as a comparison, and said that conditions in Albemarle would have to be made lighter if the population was to increase. Following this letter, in 1666, the assembly of Clarendon petitioned the proprietors to redress; 1, The undecimal way of division of the lands; 2, The half-penny per acre for all lands; and 3, The injunction on penalty of forfeiture of keeping one man on every one hundred acres.

The petition was successful, for in 1668 the proprietors in a letter of instructions to Samuel Stephens, at that time governor of Albemarle, told him that they would "consent and do grant that the inhabitants of the said County do hold their lands of us the Lords Proprietors upon the same terms and conditions that the inhabitants of Virginia hold theirs." The governor and council were given full power to grant such proportions" of lands as by our instructions and Concessions. . . . bearing date of October, 1667". The surveyor's warrant for the land, signed by the governor and a majority of the council, and having fixed

on it the seal of the County, was to be good and effective title to land.

Previous to this, however, in the year 1665, Charles had given a second charter to the proprietors in which their territory had been largely increased. All land from the northern end of Currituck River, $36^{\circ} 30'$ west to the "South Seas," south to 29° , and west again to the "South Seas", was given to them. Full powers to erect provinces and counties, grant lands, enact and execute laws were, as formerly, given to the proprietors. Other provisions were in the main like those of the previous one.

The governor was the representative of the proprietors in the province, and through him they carried on the business of granting lands. Charles granted the whole territory to the proprietors and they, in turn, issued proposals or statements of conditions on which they would grant lands to settlers. In the beginning, as we have seen above, these proposals were made to promoters like the gentlemen of the Barbadoes or Yeamans. Then, as the County of Albemarle became settled by purchase from the Indians or by grant from Berkeley, governors of Albemarle were appointed, and were given power, through letters of instructions from the proprietors, to sell, let, convey, and assure lands in the County. Land was at first granted in large quantities to promoters, then to individuals. In both cases in the beginning the land was granted free of purchase money price, the buyer having to pay only the small annual quit rent. In the first case, the land was granted direct by the proprietors; in the second, by the proprietors through the governors. Thus the proprietors maintained absolute control over their territory, at least at the beginning of its settlement.

Samuel Stephens was appointed governor of Albemarle on October 1, 1667. He was given "absolute power and authority from us and in our names to lett, sell, convey, and assure such lands in our said County to such person or persons and for such Estate and Estates, and with such provisoes, conditions, and lymitations as we in our Instructions and Concessions. . . . have directed." These instructions were: The chief register,

or the secretary, was to keep exact entries of all grants of lands from the proprietors to settles, all conveyances of lands from man to man, all leases of lands by landlords to tenants, and do all other things as instructed by the proprietors through the governor. The surveyor-general was to lay out and bound all lands granted and records of these surveys were to be kept. All who subscribed allegiance to the king were to have the right to hold lands. An assembly of the freeman was to be chosen, which by act was to lay taxes on lands, prescribe the quantity of lands to be allotted to every freeman or servant, provided, however, that such grants did not exceed sixty acres to each freeman as much to his wife, sixty acres to every master for each armed male servant, fifty acres for each woman servant. Such grants were made on condition that one able-bodied servant be kept on each one hundred acres for thirteen years and that the land be settled at once. The land was to be divided into plots of not more or less than 2200 acres. Of these plots, one-eleventh was to remain in the hands of the proprietors. A warrant from the governor was to be given to each person to whom land was granted, and the lands were to be held on payment of one half-penny for each acre, payable on the twenty-fifth of March.

Concerning lands, we find the assembly of Albemarle in 1669 passing the following acts: Prohibiting the sale of "Rights or Rights to land until he shall hath been two compleat years at least an inhabitant of the County"; "that no person for the space of five years next ensuing shall survey or cut out above 650 acres of land in one devidend"; "that if any person or persons that have bestowed any labour on any Land within the County shall not repair to it and seat the same within 6 months after the publication hereof, then it shall be lawfull for the Governor and Council to let it out to any other person to doe it."

The proprietors had long been seeking some general, fundamental system of government for their province. Such was furnished them in 1670 when John Locke gave them the Fundamental Constitutions. This was a system of government based primarily on land tenure. According to the Fundamental Constitutions, the province was to be divided into coun-

ties. Each county was to be sub-divided into eight seignories, eight baronies, and four precincts of six colonies each. Each seignory, barony, and colony was to consist of 12,000 acres, the eight baronies being the share of the proprietors. Thus three-fifths of each county was to be left in the hands of the people. There was to be a system of nobility—the Palatine, landgraves, and casiques—all based on the amount of land held. There were to be as many landgraves as counties and twice as many casiques. Every manor was to contain from three thousand to twelve thousand acres in one entire piece. Landgraves had the power to make grants of land for twenty-one years only. A lord of a manor might sell his holdings to anyone else, a privilege which denied to the proprietors and landgraves after 1671. Freemen were to be subject to the lord of the manor. The marriage of a leet-man and woman was to be celebrated by the gift of ten acres of land. In every county there was to be a sheriff who had to own at least five hundred acres of land, and in every colony a constable who had to own at least one hundred acres.

For the next twenty-eight years the proprietors struggled to enforce the Fundamental Constitutions but to no avail. The principles laid down in them were too closely akin to those of feudalism, and were in no way suitable to the conditions facing settlers in America. They were out of date and absolutely impracticable. Governor after governor was instructed to carry out the principles of the Constitutions, but the land in practice was never divided into artificial divisions provided for. The Fundamental Constitutions are of small historical value to-day except in so far as they show what the proprietors would have liked to have done with their possessions.

In 1679 John Harvey was president of the council of Albemarle, and as such, the representative of the proprietors. Instructions were sent him to have the surveyor-general divide the county into squares of 12,000 acres. This was of course in accordance with the Fundamental Constitutions. To all the free persons coming to the province before the year 1684 over sixteen years of age, sixty acres of land were to be granted.

For every able-bodied male servant sixty acres were to be granted, and for every other sort of servant, "fifty akers". Warrants from the president of the council were to be given settlers on taking up lands. According to the Fundamental Constitutions, the quit rent was to be one penny per acre, but because of the fact that a number of settlers had grants from Governor Berkeley of Virginia, at one farthing per acre, and some at one half-penny per acre, in accordance with the former instructions of the proprietors, Harvey was ordered to allow these settlers to continue to hold their lands at the old rate. By all who could show evidence of having obtained grants from Governor Berkeley before December 25, 1663, land was to continue to be held at one farthing; by those holding grants previous to the present instructions (1678-1679) land was to continue to be held at one half-penny per acre. Back rents were to be collected, however. The holders under previous grants had to pay from the time at which they received their grants.

In accordance with these instructions, Harvey issued patents to those who had received grants from Governor Berkeley. On November 27, 1679, he issued a patent to John Varnham, who produced a grant from Berkeley for two hundred and fifty acres issued in 1663. Varnham was given the usual property rights to this land. He was to pay, according to the patent, "ye every 29 day of September, according to the English account for every fifty Acres of land hereby granted 1 shilling of lawfull English money; provided the land be not seated within one year after date hereof. That then this patent be void." A like patent was given by Governor Jenkins on Febrary 5, 1679, to Thomas Relfe whose patent from Governor Berkeley was mentioned above. Thus the proprietors maintained absolute control of their property. The only valid titles were those obtained from the proprietors.

There was, however, all this time general dissatisfaction in the County of Albemarle at the conditions on which land was granted, the quit rents, and the favoritism shown the southern part of the province. The proprietors had agreed to lighten the conditions some time before, but the new conditions, as we

have seen, were if anything even more stringent. In 1670 letters and petitions were received by the proprietors in protest against the fact that the northern county had received "but a tenth part of what your southern parts have had." Rents were always difficult, almost impossible, to collect. The county was in a constant state of turmoil. This dissatisfaction finally in part led to the Culpepper Rebellion. This insurrection, however, has little interest to us in connection with the subject of this paper save that it did not reduce quit rents or make the proprietors less anxious to collect them. At a council of the proprietors held May 22, 1683, the governor and sheriffs of Albemarle were ordered to "require and receive Quitrents, Leveys, fees, and all other publick dues from the inhabitants of Currituck."

In 1681 Henry Wilkerson was appointed governor of Albemarle. He was instructed to grant the same quantities of land as before and on the same conditions of quit rent payment; namely, one penny per acre. Holders of the Berkeley grants were to receive the same consideration as outlined in the instructions to Harvey. Wilkerson was further instructed to choose four judicious men who had in no way been connected with the late rebellion, with himself as the fifth man, to hear and determine all suits that should be brought by persons claiming to have been dispossessed of their estates. Such suits had to be brought by residents within six months; by non-residents within two years. These instructions were carried out, according to a letter of Sothel, then a proprietor and governor, to the other proprietors. That they were not justly carried out, however, is shown in a letter of the proprietors to Sothel in 1684 in which they reprimanded him for his bad conduct. He was soon afterwards dismissed from the office of governor.

In 1689 Phillip Ludwell was appointed governor in the place of Sothel, and was instructed to settle all claims against Sothel by means of a court of four impartial men. He was, as was customary, instructed to carry out as far as possible the provisions of the Fundamental Constitutions. In a set of private instructions, Ludwell was told that the proprietors, since a number of persons in the colony were unwilling to pay quit rents and

desired to buy their lands outright, had given power "to our Trustees for granting land to sell six thousand acres and pass grants of the same to such persons as shall first have payed the purchase money in pieces of eight after the rate of five shillings the piece of eight to. . . . our receiver which you are to encourage men to do as much as you can."

Ludwell was, however, dismissed in 1694 for granting lands at too small a quit rent. Archdale was appointed in his place. In order to encourage settlement on the southern part of Albemarle Sound, Archdale was instructed to make grants at moderate quit rents—not less, however, than one penny per acre. He was further instructed, with the consent of three or more of his deputies, to sell land in Albemarle for what he could reasonably obtain—not under ten pounds per thousand acres, reserving an acknowledgement of five shillings per thousand acres yearly.

On these conditions land was granted and held. The proprietors had nothing to do with the land after it was granted save to see to the collection of their quit-rents. The people willed and sold their lands without interference, the records of the court being full of suits between individuals in which the proprietors did not figure at all. For instance, at the Court of Albemarle, September, 1694, Major Alexander Lillington and Mrs. Susanah Heartly obtained an attachment against the estate of Captain George Clarke because of a debt of £35, 19s. due from Clarke to William Wilkerson for whom Lillington appeared. In 1693 Stephen Pace and John Foster appointed William Glover their attorney for a sale of their plantation to Alexander Lillington. The attorney was to make acknowledgement of the sale at the session of the general court. It was thus seen that land in Carolina, after it had been granted by the proprietors, passed from their control. It was at the court of the colony, not at the council of the proprietors, that property rights were proved. The proprietors, through their governors and other deputies, continued to make grants, and the people taking possession of the land held it as their own property.

The proprietors had trouble enough in their attempts to col-

lect the quit rents. They came in 1702 to the point of allowing the sale of land with only a nominal quit rent, twelve pence per thousand acres. This, the governor was allowed to settle "by Patents or Indentures and by such methods as you our said Governour with any three or more of our deputies shall see fit soe as when money cannot be had a true vale may be settled in the Best of such commodityes as the County is capable of producing." Continued instructions were sent to the governors to collect the rents, an almost impossible task, for people, not only did not pay their rents for lands granted by the proprietors, but even began to take the tracts of land without grants. In some cases lands were never paid for, and quit rents were not thought of. Already petitions were coming in to have the proprietary government abolished.

Land was still very plentiful in Carolina, and was so readily granted that Virginia complained that this was the cause of the loss of many of her inhabitants. The unpatented land in that colony was south of "Black-water Swamp" and even this was shut up by orders of the government. This caused many families, especially young people, to move to Albemarle. In Carolina the proprietors still exercised their rights to make grants and in 1709 instructed Tynte to have the surveyor-general measure out five thousand acres for Able Ketechty—a landgrave—at ten pounds per thousand acres. No grants exceeding 640 acres could be made save by special permission and warrant from the Lord Palatine and four of the proprietors.

In 1711 the proprietors issued instructions to Edward Hyde, governor of Albemarle, in which they ordered him to send a full account of his rents, what amounts were due, and from whom. In addition, he was to send accounts of the amount of land sold and to whom sold. On account of the abuse made, as they said, of the privilege of taking up land in Carolina by exorbitant and illegal grants made to several persons, the proprietors ordered all sales or grants of lands to be prohibited except such as should be made at their Board at the instance of the governor. During the period of seven years next succeeding, however, they instructed Hyde to allow purchase of land,

not exceeding 640 acres in amount, at the rate of twenty shillings for each acre and ten pence yearly quit rent for every hundred acres. In 1711 acts were passed by the assembly ordering Cary to appear and account for the money collected by him on the quit rents due. All persons holding lands were ordered to appear before certain designated officers and give account for their lands. The proprietors seem to have exerted considerable influence in connection with these acts.

The last great grant of land in North Carolina by the proprietors was made to Christopher DeGraffenried, a Swiss noble, who agreed to plant a colony of Swiss and one of German Palatines in North Carolina. The agreement between DeGraffenried and the proprietors was entered into on October 10, 1709. DeGraffenried and his partner, Lewis Mitchell, were at their own expense to transport six hundred Palatines to Carolina. Within three months after their arrival in the colony, two hundred and fifty acres of land were to be surveyed and set out for each family, the farms to be as contiguous as possible and the land divided by lot. For five years the Palatines were to pay no rent, but after that period had elapsed each family was to pay DeGraffenried and Mitchell the yearly quit rent of two pence for every acre. The latter were to furnish grain and provisions and a certain quantity of cattle, hogs, sheep, and farm implements during the first year for which the Palatines were to repay them.

The proprietors agreed to grant to DeGraffenried and his partner ten thousand acres on or between the Neuse and Cape Fear rivers at ten pounds and a yearly quit rent of five shillings for every one thousand acres. One hundred thousand acres of land near by were to be reserved for the proprietors for twelve years. None of this could be touched by any other persons, but either DeGraffenried or Mitchell could buy it during the first seven years at the rate mentioned above. One of the two was to buy five thousand acres and become a landgrave. On September 3, the warrant for the grant was made out. DeGraffenried was to have a lease on all royal mines and minerals within the province of North Carolina to discover and work them for a

period of thirty years, the products to be divided into eight parts, one-half to the proprietors, one-half to DeGraffenried for five years after discovery, but after five years, the proprietors were to get five-eights of the whole.

The grant was made and the survey completed. The Palatines were located by the surveyor-general on a tongue of land between the Neuse and Trent rivers, where afterwards was founded the town of New Bern. The colony did not prosper, the Palatines suffering from sickness and want of clothing and good food, the avarice of the colonial officers, the rebellion of the time, the Indian attacks, the turbulent colonists, the failure of promised help to arrive, and the desertion of DeGraffenried. In time, however, the colony met better fate and prospered despite its early troubles.

To meet the debts incurred by reason of the Indian war, the colony of Albemarle had to resort to the issue of paper money, and issues, when once begun, continued throughout the Proprietary Period. In 1729 £40,000, were issued, of which £10,000 were to be applied to the redemption of former issues, the remainder to be lent out at six per cent interest on land security, the whole to be paid back in fifteen years.

At the crisis of affairs in the colony immediately after the Tuscarora outbreak, the proprietors, instead of extending a helping hand, demanded that their rents be paid in silver, and this at a time when the colonists had been compelled to make ordinary articles of trade legal tender at certain fixed rates. From time to time they issued instructions to their governors, heard complaints, and ordered redress, but the laws governing property were almost wholly made by the council and assembly. The colonists had but little love for their proprietary lords and paid little heed to their wishes.

The proprietors vacillated in their policy towards the colony. By orders issued from Craven House, January, 1712, it was directed that no land should be sold in the colony for the future but what was paid for at the Board. Then on September, 3, 1713, because of petitions received from the colony, they consented to revoke this order prohibiting the sale of land except

by special warrant, and allowed warrants to be issued as usual. Again in 1716, the proprietors decided that "tenants ought to be held to their covenants in their Grand Deed in relation to the payment of their Quit Rents but that all the purchase money now due for land should be paid in Sterling Money or 16 pennyweight the Crown or in produce of the country equivalent thereto." And the proprietors resolved to put a stop to the selling of lands in North Carolina but at their own Board. This time it was not the proprietors who revoked the order, but the governor and council on petition of the lower house. They were "unanimously of the opinion that the permitting of the people to occupy the vacant lands on payment of certain rent until the Lords Proprietors' further pleasure be known will not only strengthen and increase the Settlement of this Colony, but also cause a very great addition to the Lords Proprietors' annual revenue." No special effort was made to gain any statement of this "further pleasure". The proprietors were absentee proprietors and their absence was keenly felt and enjoyed.

The proprietors, in truth, had little more to do directly with the government of the colony after this time. From time to time they issued instructions to their governors concerning the quit rents or to order certain laws to be changed, but they had little real influence in the affairs of the colony. The real government was in the hands of the council and assembly, the governor himself, although he had considerable power and influence, being regarded as a suspicious person, and with him the assembly was almost always at strife with the advantage on its side. Almost every law connected with lands, their granting, patenting, sale, and inheritance, was made by the legislative body and forced upon the governor. It is to the laws of the period then that we must turn for further information.

The council in 1713 was composed of Thomas Pollock, president, Thomas Boyd, Nathan Chevin, Christopher Gale, and Tobias Knight. In that year we find it prohibiting the survey of lands within one mile of Marattock River, or the issue of grants and patents, or the survey of land within twenty miles

of Cape Fear River. We find it ordering that all persons in Bath County who held lands without having paid for them, and who did not pay for them by December 25, 1713, should be deprived of their holdings. The council also ordered that several persons should be empowered to take an exact account of all land held by all persons in the colony.

The council was continually issuing orders concerned with land. In May, 1713, it ordered that as several persons had taken up lands before the orders from the proprietors forbidding this, these persons should be allowed to keep their holdings by paying for them at the rate of sixpence per hundred acres. This quit rent was only half of that hitherto charged according to the instructions of the proprietors. The council further declared that rents were due from the date of the survey, despite the fact that patents were sometimes not issued until considerably later. When petitions came in from the people of Bath asking for more time in which to pay for their purchases, they were readily granted.

It is interesting to know the approximate size of the farms at this time. From the journal of the council in 1713, it is found that a Captain Fred Jones had estates of 4700 acres on Morat-tock River, and two tracts of 440 and 600 acres respectively on Neuse River. One Richard Evans had a tract of 350 acres in Perquimans district. Anthony Alexander had a tract of 150 acres. There is in Pollock's letter-book an account of the purchase of 15,000 acres at Hill Creek. This, by the way, had not been paid for. It was an exceptionally large tract, the average size of holdings running from 300 acres to 650 acres.

The council made other rulings in connection with land. In 1714, it ordered that no lapsed patents should be granted for the future for any settled lands in Bath County until further orders. Owners of property there were to have liberty to provide and secure payment for same. Upon petition from the Palatines who had been brought over by DeGraffenried, and who had suffered much in the Indian war, the council ordered that each family might take up four hundred acres at the rate of £10 per thousand acres with two years to make payment. The case

was ordered to be presented to the proprietors in the best light. Land thus taken up was not to lapse for non-payment until the answer of the proprietors was received. By 1718 the council came to the point where it signed blank patents to land, ordering the surveyors to make full reports as to the situation and extent of the lands taken up.

Registration of the land taken up and also of that conveyed by sale or inheritance was recorded at the sessions of the general court. The court records are full of such proceedings as:

“Captain John Pettiver in Open Court acknowledged ye conveyance of a Tract of Land lyeing on the South Shore in the precinct of Chowan unto Mr. Antho Hatch and Mr. Geo. Durant.

‘Ordered to be Registered’ ”.

Or:

“A power of attorney from Mary Spellman to Augustus Scarbrough was proved in Court by oath of Mr. Thos. Passingham by virtue of which. Said power Said Augustus Scarbrough acknowledged a Conveyance of 300 acres of land more or less lyeing upon the fork of ye Creek known by the name of Lakeres Creek unto Robert Harman.

‘Ordered that the said Conveyance wth. the Said Power of attorney be Recorded.’ ”

The two houses of the legislature also joined in acts upon the subject of land. One of these ordered that all grants should be paid for within three months. This act was criticised by the proprietors but was allowed to stand. In 1726 an act declared that the fee of twenty shillings which had been allowed to the governor for each patent should henceforth be illegal.

Land in North Carolina has thus been seen to have been at first wholly under the direct control of the proprietors, and was granted direct from them. As the colony prospered and population grew, the proprietors lost a great deal of their control, the direct government of the colony and the direct control of the land passing into the hands of the council and assembly. These bodies, with the governor, it is true maintained a semblance of acting under the directions of the proprietors, but in

fact land, its granting, sale, and conveyance, was practically in the hands of the legislative body of the colony with only a small control by the proprietors. This became more and more true as the proprietors lost interest in their great grant from the Crown and with it the power to control its destiny. In 1729, the proprietary government came to an end, the Crown taking control of the colony, and henceforth to the Revolutionary War, in the matter of land tenure the colony was to deal directly with the Crown of England.

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3

THE INDIANS OF NORTH CAROLINA AND
THEIR RELATIONS WITH
THE SETTLERS

BY

JAMES HALL RAND

CONTENTS

INTRODUCTION

I. THE INDIANS OF NORTH CAROLINA

- A. *Distribution of Tribes*—(1) Indians in eastern and southern parts of present State; (2) In central part; (3) In western part.
- B. *Characteristics and Mode of Life of North Carolina Indians*—(1) Physical appearance; (2) Habitation; (3) Clothing; (4) Food; (5) Cooking; (6) Marriage; (7) Division of labor between the two sexes; (8) Sickness and medical knowledge; (9) Burial; (10) Division in tribes; (11) Amusements; (12) Religion; (13) Money and language; (14) Character; (15) Disposition; (16) Intellectual status; (17) Comparison with whites who at this point enter the story.

II. RELATION OF INDIANS OF NORTH CAROLINA WITH THE SETTLERS

- A. *First Voyages to Roanoke*—(1) Voyage of Amadas and Barlowe; (2) Lane's Colony; (3) The Lost Colony.
- B. *Permanent Settlements and Winning of North Carolina from the Indians*—(1) Reasons for Raleigh's failure; (2) Greene's settlement; (3) Attempt by New Englanders; (4) Attitude of Indians; (5) Attempt by Yeamans; (6) Palatines, Swiss, and Huguenots on Trent River; (7) Growth of Colony; (8) Population and settlements 1711; (9) Relation of Indians and whites; (10) Methods employed in driving out Indians; (11) Meherrin Indian quarrel; (12) Tuscarora War; (13) Territory opened up and weakness of Indians after the war; (14) Indians died out from war, rum, disease, and degeneration of race; (15) Growth of colony between 1711 and 1728; (16) Decline of Indians during the same time; (17) Growth of colony between 1728 and 1752; (18) Relations with Indians during that period; (19) Growth of colony down to Revolution; (20) Decline of Indians during same period.

CONCLUSION

5

THE INDIANS OF NORTH CAROLINA AND THEIR RELATIONS WITH THE SETTLERS

INTRODUCTION

It is necessary in order to appreciate this study, to turn our thoughts far backward and consider the country that is now North Carolina as it appeared before the coming of the first white men to its shores in 1584.

Towns and cities such as we now have were altogether lacking, nor were there any broad fields. The sound of the factory whistle could not be heard and no highways or railroads intersected the country. No woodman's axe swung against the tall pine and no gun could be had therein to aim at the nobie game which bounded away on every side. There was no wheel to utilize the power of the rapid western streams or net to catch the fish which abounded on the eastern coast. There was not a frame house, a metal tool, a book, or a watch within all the limits of what is now North Carolina. Truly, it was the land of no enlightened people.

"Hunter's paradise," "boundless forest," "home of wild things" and similar terms would have been very fitting to apply to it. It was indeed all of these. Game abounded there more plentifully than the weary hunter of present time would hope for. It scarcely needed to be sought after and indeed it was necessary to avoid it often, for bears were then more numerous than coons are now, and far easier to encounter. Hunters at a much later date have written of killing more than a hundred bears in a single season. Deer were as plentiful then as rabbits are now. They inhabited every thicket and formed an easy prey to a skillful hunter. Wild turkeys were bold by virtue of their great numbers and the rivers and coast teemed with fish. The smaller sorts of game such as squirrels, rabbits, and quail were plentiful but so very abundant was larger and nobler game that they were not worth the hunter's attention, being merely

sport for children. Lawson gives the names of seventy-five sorts of game which he found in his travels. He and the party which ran the boundary line between Virginia and North Carolina say they saw buffaloes in the far western part of the state.

All of these animals inhabited a vast forest unpathed save by animals and with no highways save the streams. There were noble stately pine, oak, birch, maple, gum, hickory, and other trees in such numbers that the longings of the most ambitious lumberman would have been surpassed. All the whole country indeed was in virgin forest. It was indeed a wild land filled with wild things. The human inhabitants, whom we are now to study, were literally savages. Such was North Carolina in the time of the Indians before the coming of the white man.

I

THE INDIANS OF NORTH CAROLINA

A

DISTRIBUTION OF TRIBES

The most considerable tribe in the eastern part of the state was the tribe of Tuscaroras. This tribe occupied a vast section in what is now the central part of the eastern half of the state. They were of fierce warlike nature and offered the only serious resistance that the settlers encountered in wresting the territory from the Indians. They had the following sixteen important villages: Haruta, Waqni, Contahnah, Anna Oaka, Conaugh-Kare, Harooka, Una Nauhan, Kentanuska, Chunaneets, Kenta, Eno, Naurheghe, Oonossura, Tosneoc, Nanawharitse, and Nurusooka. Their fighting population numbered some 1200 men.¹

Around the Tuscaroras, to the east especially, dwelt a number of smaller tribes. Of the Wacoon Indians there were two towns with a fighting force of about 120,² of the Machapungas, one town with a fighting force of about 30, of the Meherrin Indians one town with a fighting force of about 50, of the

¹Lawson.

²All these estimates are taken from Lawson's History.

Chowan Indians one town with a fighting force of about 15, of the Pasquotank Indians one town with a fighting force of 10, of the Core Indians one town with a fighting force of 50, of the Poeskeit Indians one town with a fighting force of 30, of the Hatteras Indians one town with a fighting force of 16, of the Nattaway Indians one with a fighting force of 30 the Caranine Indians two towns with a fighting force of 30, of the Neus Indians one town with a fighting force of 16, and of the Pamptico Indians one town with a fighting force of about 20.

In the southeastern part of the state there were several tribes which lived partly in South Carolina and partly in North Carolina, as these states are today. The Sewee Indians formed a small tribe living on the border. The Santees, the Congerees, the Waterees, and the Chickanees lived also in the southern part of this state and the northern part of South Carolina. All were rather small tribes depopulated on the coming of the whites by rum and smallpox.

In the central part of the state there lived a number of tribes none of which was very large. The Waxhaws were a tribe of large tall Indians living in the southern part of the piedmont section. The Esau and Sugaree Indians had many villages further north. The Kadapau Indians lived further west in a hilly country. The Saponas, Achonechys, Keiauwees, Sissipahaus, and Schoccories lived near each other in a region beyond the Tuscaroras and in the northern central part of the state. They had some two or three hundred fighting men.

The Cherokees and Catawbas were the chief tribes in the western part of the state. Only part of the first of these tribes dwelt in territory that is now a part of North Carolina. The tribe was large and inhabited a large section covering the extreme western part of North Carolina, the extreme eastern part of Tennessee, the northwestern part of South Carolina, and the northern part of Georgia. The settlements in North Carolina did not touch these Indians until 1750 and later, and when they became hostile to the whites their operations were directed chiefly against the South Carolina settlers who gave them cause for grievance. The Catawbas were a considerable tribe slightly east of the Cherokees. They were engaged with the

Cherokees in a war with some western Indians when the Carolina colonists pushed their settlements to their territory about 1750. They, too, gave the Carolina settlers little trouble and acted with the Cherokees in the latter's war with South Carolina.

This sketch doubtless omits some tribes, but the most important are here given and located with a fair degree of accuracy. It is impossible to give any definite estimate of the population of the Indians of North Carolina. At the time the estimates included here were made, which was about 1709, smallpox and rum had already decreased considerably the population in many localities, especially those near the white settlements in the extreme eastern part of the state. I would estimate, from my readings,³ that Indian population within the limits of the present state of North Carolina, before the coming of the first white person to its coast, was about thirty-five thousand.

B

CHARACTERISTICS AND MODE OF LIFE OF INDIANS OF NORTH CAROLINA

The Indians of North Carolina were scarcely excelled, in the shapely form of body, in strength and endurance, in all that goes to make up a physical side of man by any people on earth.

They were well shaped, being clean limbed, free from deformity and inclined to be tall. They always carried themselves very straight unless bent by age. Lawson says he never saw a humpbacked Indian or a dwarf and that cripples were very rare. Their hair and eyes were usually dark, though chestnut hair and brown eyes were not unknown. The men as a rule did not allow hair to grow upon their faces but plucked it all out by the roots.⁴ Their eyes were very good, so much so that they could see much better than an untrained white person. Blindness was practically unknown. The teeth of Indians of both sexes and all tribes were yellow from constant smoking of tobacco. This was the only blemish of body habitually found among them.

³Lawson and general readings.

⁴Lawson.

They were strong and robust but their strength was not of the intensive sort, that lifts great burdens or does some form of heavy labor, which is gained by periods of severe training. It was of the continuous, indefatigable sort which manifests itself in feats of endurance and which results from a lifetime of vigorous but not laborious exercise such as walking, running, and hunting. The Indians were not weaklings however in tests of lifting, but did not exceed the early settlers in this sort of strength. They did exceed in endurance, being able to dance several nights in succession with extreme alacrity and without failing in respect to wind. They danced, by the way, singly or merely holding hands, thereby being able to move all the more energetically. They were skilful of hand and sure of foot, never dropping anything and rarely making a false step. They would walk over deep brooks on slender poles without fear and never failing unless perchance the pole should break.

Wigwams or tents made of skins were the habitations of the North Carolina Indians. This was very natural since skins were most accessible to them of the material with which American Indians built habitations. The wigwams were conical in shape, and consisted of skins tied closely together and stretched upon a framework of poles. A small opening was provided at the top in order to let the smoke escape which arose from the fire built in the middle of the dwelling. Occasionally huts were built of cypress or pine bark supplemented by moss. Elm bark was often used for cords for tying together the poles. Other structures were built for various purposes such as storehouses, banqueting halls, and assembly halls which might or might not have windows. The floors of all their buildings were no other than mother earth upon which skins and mats were laid to sit or sleep on. It was said by a contemporary writer⁵ that the Indian dwellings were very hot and close, though not filthy as they would most naturally be expected. At any rate they were very serviceable as habitations, not blowing over easily and keeping the wind, rain, and cold out very well.

The clothing of the Indians of North Carolina was made almost entirely of skins of wild animals, usually deer. The

⁵Lawson.

Indians of North Carolina, however, on account of the mildness of the climate, were not forced to wear much clothing. In summer indeed they wore little more than would constitute a modern track suit with the jacket left off, that is, a skin about the waist for the sake of decency and moccasins to protect the feet from the roughness of the ground. In cold weather the women wore a hairy garment resembling a modern coat on the upper part of their bodies, a flap of skin fastened around their waists, and moccasins. The first two garments were usually made of deerskin. The moccasins were made either of deer or bear-skin. They wore their hair in rolls tied with strings of beads or of deer-skins. The men wore in cold weather a match coat also, a short loin cloth and moccasins. Their clothing was of such a nature as to encumber to the least possible extent the freedom of their movements. Both sexes had robes of deer or bear skin for severe weather. Frequently the coatlike garments were made of feathers with pretty figures wrought in them, and presented a charming appearance. Sometimes they were made of skins of small animals such as rabbits or squirrels. The materials were fastened together with thread which consisted usually of sinews of deer divided very small. When the settlers came, the Indians sometimes bought coats which they wore on important occasions. They did not like to wear trousers because these impeded the freedom of their walking or running movements. When going out on a war expedition they dressed in a manner calculated to excite terror. Their hair they dressed with bear's grease and adorned with feathers. They then painted their faces with an assortment of inharmonious colors. For instance, a white ring might be drawn around one eye and a yellow one around the other. Their cheeks and often arms and chests were then bedecked in such a manner that the final make-up was exceedingly horrible. Ornaments consisting of shells were frequently worn. They liked bright things so much so that the thing that most attracted the first Indian brought on board the ship of Amadas and Barlowe was a dish of bright tin.

The food of the Indians consisted chiefly of flesh, corn, and fruit. Of fish a great abundance and variety inhabited the

forests and streams. Deer and bear abounded. Of turkeys Lawson speaks of seeing flocks of five hundred and individual specimens that would weigh nearly sixty pounds. Seven kinds of beasts, about forty kinds of birds and forty kinds of fish that are customarily eaten are mentioned in Lawson's history. The Indians ate also wild-cats, pole-cats, panthers, beaver, raccoons, and sometimes snakes; also terrapins and shell-fish. They esteemed young wasps white in the combs. Of vegetables they ate squashes, cucumbers, pulse, and corn. Of fruits they ate nuts, berries, melons, peaches, grapes, and such other wild fruit as was to be had.

Cooking was necessarily of a primitive character since the Indians knew nothing of metallurgy and therefore had no stoves or iron cooking utensils. Boiling was carried on in skins. A number of stones were heated and dropped into a skin of water until it became very hot. The stones were then taken out and the raw articles of food put in. During the process stones were introduced to keep the water hot. Flesh such as fish was broiled by placing on sticks over a fire. Roasting in ashes was a favorite form of cooking. All of this was very crude, yet the Indian women were able to prepare some very palatable meals according to the chroniclers of Indian life. Lawson says that he ate Indian corn bread as white and as good as any he had tasted that was prepared by a white person. The Indians were not as delicate in their tastes as were the white people. They esteemed animals in the embryo⁶ stage as delicacies and frequently cooked small animals such as squirrels without first extracting the entrails. Lawson says he was not hungry after seeing food thus prepared.

Indian marriages were of a commercial nature. The young man having selected a young maiden either went himself or sent a relative to approach the relatives of the young woman on the subject. The opinion of the woman was secured; for she was not forced into the affair. If she was favorably inclined the negotiations proceeded. The point to be decided was how much the man should pay for the woman inasmuch as the Indians set a money value on the woman which was quite con-

⁶Lawson.

trary to the customs of the whites. The consideration was in terms of skins, trinkets and other Indian valuables, and varied in proportion to the beauty of the bride. The considerations having been paid the two were considered married upon verbal agreement which was sufficiently loose to allow the parties to separate upon any frivolous excuse. The woman was regarded very much as a piece of property. After being bought she could be sold at the will of her husband.⁷ If she left him and was taken as wife by another Indian, the latter would have to pay the amount to her first husband that her first husband had originally paid for her. Thus the commercial relation was continued. A man might marry as many women as he could pay for and support, and change as often as he pleased.

The woman's part of the work embraced practically everything save providing game. The Indian brave despised all work save that of hunting. However, there was little to do save to provide game and do the domestic and agricultural work. These last two sorts of labor were limited but must have taken much time and toil since their few tools and instruments were of a rudimentary nature. The work of the woman in detail was cooking, making mats, and baskets, caring for the young children, and doing all the agricultural work. The Indians had no fixed times for eating. The brave would go out to hunt, come back and eat. Thus the squaw cooked continually. The mats which the women wove were made of flags, bullrushes, and coarse grass. In size they were large, usually about five feet wide and eight feet long. Their baskets were of reeds or rushes into which, as was the case with the mats also, weird figures were often worked. The children gave not a great deal of trouble; for while small they were strapped to a board which the brave made, and carried by the squaw on the back or hung on a tree while she was busy. The older children amused themselves. The agricultural operations of the Indians were limited. The implements consisted of wooden sticks. There were no fields, only small patches here and there around the villages. The land was fertile so that the plant grew very well if it was merely given a start over the weeds.

⁷Lawson.

The work of the brave was not difficult when there was plenty of game, as was usually the case; yet when we consider the weapons that he had, the task assumes its really large proportions. The bow and arrow was the only efficient weapon that the Indian possessed, and these were made with very crude tools. When we consider that the modern young American scarcely learns to hit a barn from a respectful distance in all his practice, we realize the magnitude of the Indian's task of shooting rapidly moving animals. Besides the bow and arrow the Indian had for weapons the tomahawk, the handle consisting of wood, the blade of stone or shell; the club wholly of wood or with a stone head; the spear, a wooden handle with a stone point; and the knife of shell or bone. The brave was often engaged in war, for the tribes fought frequently. The work of the two sexes was on the whole very well divided.

The sickness of the Indians consisted chiefly of wounds, in the dressing of which the Indians acquired some skill. They used in such cases chiefly oil made from acorns and other such nuts, and grease or oil made from bear or deer. In some tribes it was the custom, when a captive was held without being tortured to death, to raise the skin from the fore part of the feet, cut that part off, and pull the skin down over the wound. This made a neat cure and prevented the captive from readily escaping. Most of the Indian doctors were primarily conjurers. They would perform some remarkable operation accompanied by shouting and dancing. If the patient got well they would claim credit for the cure, if he died they would blame the evil spirits. Lawson relates a funny case in which a white man hired an Indian to cure him of some sort of distemper. The Indian went to the woods, gathered herbs and made a concoction which the man drank. This produced a great sweat. The Indian then brought a large rattlesnake and proposed to wrap it about the body of the sick man, to his great consternation. After he had shown that the fangs of the snake had been withdrawn, the Indian was allowed to do as he desired. At first the snake wrapped like a tightly drawn belt about the body of the sick man. Then it gradually relaxed until it ceased to press altogether; whereupon it was found

to be dead. The Indian told the man that he would get well which he did in a short time.⁸

The Indian funeral and burial in the case of an important man was carried out with much ceremony. The dead body was allowed to lie in state a day and night, after which it was neatly wrapped in coat-like garments which formed the grave clothes. The funeral was then held. The relations of the dead man, together with many of the people of the nation and representatives from the allied tribes gathered solemnly around the corpse and seated themselves on mats. A conjurer then pronounced a funeral oration over the dead in which he recounted the number of scalps taken by the late warrior, the many feats he had performed in hunting, the number and beauty of his wives, extolling the dead for his valor, his nimbleness, his strength, his fleetness, his valuable services to the tribe, and for whatever other esteemed deeds he may have done or qualities which he may have possessed when living. The oration concluded by assuring the assembled persons that the soul of the dead had gone to a land of good hunting, pretty women, and one free from cold, hunger, and fatigue. If other conjurers were present they too praised the dead in much the same strain as the first. The burial was then performed. The body was lowered into a grave five or six feet deep and of sufficient proportions. A framework of poles and brush was built in the grave above and not touching the body. Upon this the earth was thrown. Thus the body was interred very decently in a vault. After sufficient time had elapsed for the decay of the flesh, the bones were often taken up, cleanly washed, and wrapped in nicely dressed deer skins. They were then interred in a place called *Quiogozon*, which was the final resting place of the bones of all the kings and great war-captains. Thus the Indians had a tribal burying ground for those whom they adored. This spot was held in reverence by the whole tribe and it was their custom to mourn by the tomb for their honored dead. The tomb was held so sacredly that if the tribe moved the bones were carried also, and were thus preserved for centuries.

The great body of Indians were divided into numerous

⁸Lawson. P. 131.

tribes. This was the natural result of the lack of means of communication, lack of traveling facilities, the simple nature of the Indians, and their fondness for warlike operations. They could communicate only by word of mouth, for they had no system of writing. Their only means of travel was by foot through the forest and in canoes on the streams. Thus they could not go far except by a very extended journey. Yet the Iroquois of New York and New England journeyed as far south as North Carolina and the Tuscaroras of North Carolina were a branch of this nation.⁹ The simple mind of the Indian did not permit of extensive organization or an elaborate form of government. It was very natural that the Indians should be warlike. They lived chiefly by hunting. Their life was a physical struggle with the animals for food and life. The tribes fought often among themselves. They could not help it. Their wild and savage nature caused them to delight in war and all its horrors; murder, massacre, and torture in all its most diabolical forms. They surprised, were surprised; masacred, and were massacred at any time without warning. Yet there was frequent communication and even alliance between tribes. Two small tribes would often ally in defense or offense against a large tribe. Also there was intermarriage to some extent. This was limited by the desire of every brave to marry a woman of his own tribe.

A few suggestions concerning the amusements of the Indians would doubtless be interesting and instructive. One of their chief games was played with a set of fifty-one little sticks.¹⁰ The object was to throw these back and forth very rapidly and tell the number of sticks passed without counting. The Indians acquired much skill at this. A crude sort of game was played with a ball. The Indians took pleasure in playing with peach kernels or persimmon seed. The object was to guess which side should lie up or down. This amusement was somewhat similar to calling or matching coins. They gambled in these games rather recklessly. Cases have been known in which a person lost everything he possessed and then gambled himself into

⁹Martin.

¹⁰Lawson.

slavery.¹¹ In this condition he cheerfully remained until bought out by friends. Victories and harvest times were celebrated with feasts and dancing, accompanied by the deafening noise, not music, of their kettledrums. They sang wild inharmonious songs composed by persons appointed for the purpose, but kept together marvelously well. Their feasts were in celebration of the corn harvest or some victory gained over another tribe. The latter was likely to be accompanied by an inhuman torture of some poor captive in which they took fiendish delight. The point in dancing was to see who could appear the most hideous, make the most energetic motions, and hold out the longest. They were very proficient in their type of dancing. Their revelry would often continue for days and nights together until all had been exhausted.

The Indians were a religious people. They had gods whom they had much faith in. Credit was given to the Good Spirit for a bountiful harvest, for victory in war, and success in the chase. The Evil Spirit was blamed for a poor harvest and poor success in war and the chase. Thanks were given to the Good Spirit for blessings and sacrifices were made to both spirits. They believed in a hereafter which took the shape of an ideal hunting land in which there was no sickness, fatigue, hunger, or want; but, good hunting and pretty women.

The money, knowledge of poison, and language of the Indians are interesting. The Coast Indians had a sort of money consisting of a certain kind of carved shell. All of the red men bartered with almost any thing that had value from squaws to beads. The Indians were well versed in the use of poison. The practice of it was a great crime, however, and the guilty party was publicly put to death in the most cruel manner. Their language was guttural in nature, abounding in vowels. Other features of Indian life would, like those already given, merely illustrate the wild and savage type of people the Indians were.

The foregoing sketch has been designed with the intention of bringing out the characteristic features of Indian life and thus representing the characteristics of the Indians themselves. They were essentially simply savages. Their clothing, dwellings,

¹¹Lawson.

implements, and tribal state, are evidences of their simplicity and backwardness. Their savagery was amply displayed in their treatment of captives and in their manner of living. Captives taken in war were usually tortured by cutting and burning. Imagine a man standing surrounded by a mob of howling, dancing human devils. His scalp is dangling at the belt of some one of them. In his naked and bleeding body hundreds of sharpened lightwood splinters are sticking. They are lighted and the devils dance around their victim, suffering intense agony, in fiendish glee. Lawson gives us this picture, and he himself suffered such a fate.¹² But no moral blame, only ignorance, is to be charged to the Indians for such crimes. They were inured to suffering and hardships and it was natural to them. Indians bore such torture with great fortitude and it was very difficult to wring a cry of pain from them, even with the severest tortures.

In disposition and temperament they were subject to both extremes, sincere friendship and deadly hatred. Hence the expression, "to be like an Indian," meaning, never forgetting a kindness or forgiving an injury. We have an excellent illustration of the depth of the friendship of Indians when treated kindly in the relations of William Penn with the Pennsylvania Indians. This case is so well known that it needs no comment, only to say that what was true of the Pennsylvania Indians was applicable to most all the original inhabitants of the United States. They respected each other's rights to such an extent that they rarely quarreled. The white settlers were, in the main, well treated until they began to encroach upon the rights of and injure the Indians. Lawson was very kindly entertained all during his long trip in the territory of the North Carolina Indians. No injury was offered him until he had almost regained the white settlements when an arrow was shot at him by some Tuscaroras with whom the settlers had had unpleasant relations. When an Indian or body of Indians conceived hatred towards any one they were not content until the person was put to death by the severest torture. And in attaining this vengeance no treachery or deception was too mean or base. They indeed

¹²Colonial Records. Vol. 1.

considered everything fair in war. The Tuscarora massacre is an excellent illustration of their cunning and treachery. These savages came into the settlements and mingled with their victims, receiving kindness from them on the day before the terrible event. They did not consider it any harm to steal from the white people and this was a frequent cause of bad relations between the two races. The Indians loved and hated with a sincere love and undying hatred as only one having an Indian nature could do.

Intellectually the Indian was puerile, unprogressively puerile. They were making practically no progress in civilization and had been in their savage state for no one knows how long. At any rate they were some 2,000 years behind European civilization. An incident like the following¹³ will better interpret their childishness than several pages of bare assertions. A certain tribe of Indians came to believe that they were being cheated by the merchants with whom they traded. And so having observed that the trading ships always came from a certain direction, they decided that they could, by going in that direction, trade direct with the consumers to a much better advantage. A great amount of furs were collected and loaded upon their frail canoes. The cockle-shells put out to sea, their crews very joyful and confident. But soon a storm arose, overturned the greater part of the boats, spilling the cargoes and drowning the occupants. The remainder, in a sad plight, were picked up by a trading vessel, carried to the West Indies and sold into slavery. Thus ended the fond calculations of those childish minds. The will power of the Indians was not strong. This trait is seen in the women in their inability to resist sexual temptation. It is worthy of notice that men were blamed as being stronger-willed and the tempters and women pitied as being weak and unable to resist temptation. This weakness of will is seen in the men in their inability to withstand the temptation of liquor. Indian merchants, having bought rum to trade with, were frequently unable to withstand the temptation of their own wares and drank all of their fire-water up before arriving at their trading place. Again, the Indian always measured liquor in their

¹³Lawson.

mouths, closely watched the measurer to see that he swallowed none which was frequently the case.

Compared to his white contemporary the Indian was superior physically except in slow ox strength. Intellectually, however, he was just so far inferior as the bow and arrow is inferior to the colonial rifle as a weapon, as an animal skin is inferior to woven cloth for garments, as a wigwam is inferior to stately frame and stone houses for dwellings, and as a language not possessing a system of writing is inferior to one already possessing masterpieces of literature. The Indian was no match for the white man in the struggle for life. His downfall was certain, and it has formed a great historical illustration of retrogression through lack of mental endowments. The Indian could not accept the life of the new comers. It would have meant the making up of a backwardness of centuries, the changing of his very nature in a lifetime. It was necessary to conquer, which he could not do, or perish, which he did. This, the decline of the Indians in North Carolina down to the Revolution, is the theme of the second and most important part of this study.

II

RELATIONS OF THE INDIANS OF NORTH CAROLINA WITH THE SETTLERS

A

FIRST VOYAGE TO ROANOKE

In July 1684, Philip Amadas and Arthur Barlowe, in command of two ships sent out by Sir Walter Raleigh, landed, the first of any white men, on the shore of what is now North Carolina. They disembarked on Roanoke Island and for three days they saw no inhabitant. On the third day they saw a canoe in which were three Indians. One of these landed on the island, was accosted by the English, and taken on board one of the ships. He was given presents which he received with signs of appreciation. After inspecting both ships he departed to his canoe, put out into the sound, and fished. In a half hour he

had loaded his canoe with fish which he divided between the two ships.¹

On the next day Granganimeo brother to Wingina, king of that territory, came to visit the ships, accompanied by a large number of Indians. He was kindly treated by the captains. Later small parties of Englishmen went among the Indians and were treated with the greatest kindness. The vessels remained off Roanoke several days during which time visits were exchanged with caution on the part of the whites and freely on the part of the Indians.² Trades were made to the advantage of the whites but which gave satisfaction to the Indians. The whites departed with the opinion that the Indians were the kindest, most generous people inhabiting the best country in the world. Two Indians, Manteo and Wanchese, were taken to England.³

On June 26, 1685, Sir Richard Grenville reached the coast with 108 colonists. These were left in charge of Ralph Lane. After a short time an Indian stole a silver cup because of its bright lustre. Lane, unable to recover the cup, punished the Indians severely by burning villages and cutting fields of growing corn. The Indians became hostile. Lane attacked them, killing a number, including their King Wingina.⁴ His supplies soon ran short and his situation became so critical that he abandoned the settlement when Sir Francis Drake appeared, offering to transport the colony back to England.

Shortly thereafter Sir Richard Grenville arrived with supplies. He left fifteen men and returned to England.

In 1587, John White appeared with 115 colonists. Of the fifteen left by Grenville only a single skeleton was found. They were doubtless killed by the enraged savages. White after six weeks returned to England and his colony became the famous lost colony. No one knows what became of the colonists. The Indians were sufficiently enraged to massacre them. This was Raleigh's last attempt at settlement in North Carolina. The relations between the settlers and the Indians, at first so friendly, had become bitterly hostile and augured ill for future settlers.

¹Old South Leaflets. Vol. IV. No. 92.

²Old South Leaflets. Vol. IV. No. 92.

³Old South Leaflets Vol. IV. No. 92.

⁴Old South Leaflets Vol. V. p. 398.

B

OTHER SETTLEMENTS AND THE WINNING OF NORTH
CAROLINA FROM THE INDIANS

There are several reasons why Raleigh's attempt to establish a colony upon the shore of North Carolina had failed and why it was impracticable to establish a colony there. The coast was dangerous, the country sandy, and unsuited to varied agricultural crops; and the Indians had become hostile. Moreover, a good spot of land well fitted for settling upon, such as could be found further in the interior, could not be reached by ship as was the case in Virginia. Thus it was that when another colony was sent out in 1607 it was instructed to go elsewhere, and North Carolina was settled not by an expedition sent out from England for the purpose, but by an offshoot from another colony.

In 1653 Roger Greene led a little band of persons from the Virginia colony and founded a settlement on the banks of the Chowan river. Nine years later George Durant led another band of settlers to a place now known as Durant's Neck, in Perquimans county. Durant, who was a Quaker, bought his bit of land from the Indians as did Penn.⁵ It was not known whether or not Greene recompensed the Indians for the territory that he took possession of. These were the first permanent settlements in North Carolina and with them the conquest of North Carolina from the Indians was begun.

In 1660 an expedition of colonists from New England landed at the mouth of the Cape Fear river. The purpose of this colony was to raise cattle. But they found the country dry, sandy, and unfit for this business. In order to recompense themselves for the losses they had sustained, they requested the Indians of the neighborhood to let them send their children to England to be taught to read and write. They were permitted to embark a shipload of children for England, who were shipped to the West Indies and sold into slavery.⁶ This colony left the country before the children were scheduled to come back.

During the ten years following the settlement of Greene's

⁵C. R. Vol. I.

⁶Williamson, Vol. I. p. 95.

colony a great many colonists came from Virginia and other settlements to settle in North Carolina. The relations with the Indians continued to be amicable, the Indians moving out to make room for the new comers, and not getting angry about it. There was no government save a local government and the settlements were thus allowed to grow without restraint. In 1663 the province was granted to the Lords Proprietors. The Settlement about Albemarle Sound was organized as the colony of Albemarle and divided into three precincts. In 1676 the Proprietors adopted John Locke's Grand Model system and instructed the governor to re-organize the colony in accordance with it. But the people did not like this cumbersome mediaeval relic and it did not succeed.

Meanwhile another settlement in North Carolina had been attempted. Sir John Yeamans had established a colony on the Cape Fear river in 1665. Under his prudent management the settlement numbered in a few years after its establishment about eight hundred people.⁷ Land was sold at cheap rates, the people were subject to little restriction, and the good will of the Indians was secured. Yeamans, however, was appointed governor of the colony in what is now South Carolina.⁸ He accordingly left the colony on the Cape Fear which found itself without a wise leader. Soon Charleston was founded and the whole colony went to settle there, leaving the Cape Fear region again a wilderness in the hands of the red men.⁹

No large body of colonists came to North Carolina after this for many years. In 1707 Christopher de Graffenried, a Swiss baron, led a considerable body of German Palatines and Swiss immigrants to a spot on the Trent river where New Bern now is, in which section he had been granted 10,000 acres for settlement.¹⁰ Some French Huguenots under the leadership of Phillippe de Richebourg settled near Pamlico Sound in 1691.

There had been much dissension and strife in the colony but it had nevertheless grown steadily. The Culpepper Rebellion was the source of a little struggle. Culpepper was finally

⁷Williamson, Vol. I. p. 114.

⁸Williamson, Vol. I. p. 100.

⁹Ashe, 170.

¹⁰Ashe, 146.

arrested and sent to England where he was acquitted of the charge of treason. The Quakers frequently protested against taking oaths to hold office. Also, the whole body of settlers often complained about the quit rents, especially under the Grand Model constitution formulated by Locke. In spite of all this the colony grew and prospered so that it soon became an important one, offering excellent opportunities for new settlers. No large body of colonists came save Graffenried's; but nevertheless settlers came frequently in small numbers. By the year 1675, when the colony in northern Carolina was very small, nearly all of the original thirteen colonies had been established and some of them were already in a thriving condition. Thus it was that this section, being among the last to be settled, was a favorable place for those who in other colonies were unsuited with their location. A great many of the people who finally settled in North Carolina came from Virginia, especially during the odious rule of Sir William Berkeley over that colony. Quite a number of settlers came from the New England colonies, with which the northern Carolinians traded extensively.

At the outbreak of the Tuscarora war, which was in 1711, there were two distinct sections of settlements in the colony. The more populous of these was the first about the Albemarle Sound. It consisted of a large number of rather widely scattered groups of colonies divided into three precincts: Pasquotank, Perquimans and Chowan. The population of this section was between 1,500 and 2,000 people counting all non-original inhabitants. The second section of settlements was around the Neuse and Tar rivers and between these two streams. It was composed of a population of about 1,000 or 1,200 persons, a majority of which were Swiss peasants, Palatines, and French Huguenots recently come from Europe. This section was not divided into precincts until later and was known as Bath County, the northern section being known as Albemarle County.

Up to the time of the Tuscarora war the settlers and the Indians lived, for the most part, harmoniously, the one in the forest and the other in the clearings. The Indians received the white people in the forest with kindness and hospitality becoming to more highly civilized people. The white people suffered

the Indians to come into their clearings and treated them kindly, giving presents of trinkets. The settlers naturally held the Indians in some contempt since they realized that they were superior to the red men intellectually and were independent of them. The Indians naturally respected the whites; since they were dependent on the white people for a great many valuable articles such as guns, knives, hatchets, and other such instruments. Also after once tasting the white man's "water of life" the weak minded Indian would do almost anything for another mouthful of it. The white people thus assumed a position of superiority over the Indians without objection on their part.

In commercial and social relations this position of superiority was apparent. The white traders sold the Indians bad goods at prices that would have been high for goods of the best quality. Guns were often sold them of such a sort that they would not shoot true because of a crooked barrel.¹¹ Bad rum and cheap goods were sold for good mink, deer, and other sorts of skins. The trade was so profitable that a fine of 10,000 pounds of tobacco was made the penalty for a person of another colony to trade with the neighboring Indians.¹² Also, Indians were sometimes held in slavery by white settlers. This was not frequent for the Indians did not make good slaves, being neither tractable nor by nature willing to toil. Furthermore, the white people who traded with the Indians frequently had Indian concubines. The Indians did not object to but rather favored this relationship. It aided the trader in learning the language and in introducing himself into the good graces of the tribe. Indians who had committed crimes against whites were promptly demanded, usually given up, and punished severely. Thus the Indians occupied the position of inferior beings in the dealings between the two races.

Two methods were employed by the settlers in driving the Indians back towards the west as they themselves advanced. One was by crowding, the other was by fighting. The crowding method was quiet, almost unconsciously carried on, involving scarcely any struggle or complaint; yet it was effectual. It is

¹¹Lawson.
¹²C. R.

best illustrated by the method of the Indians who invited one of the white brothers to sit upon a log with him. The Indian then crowded against the white man, asking him at the same time to move on. The white man did so, the process was repeated, and soon the white man was at the end of the log. The Indians were at a great disadvantage in the respect that as the settlers advanced, making clearings and leading a bustling life, the wild creatures of the woods upon which the Indians were almost totally dependent for food retreated. And thus the Indians were obliged to retreat also, so that the settlers had then only to drive the game back in order to drive the Indians. When they made a stand and became hostile the whites took up arms.

The Indians were crowded westward in North Carolina down until the Tuscarora war without serious resistance on their part. There were naturally a number of murders on both sides as adventurous settlers built their cabins in the territory of the Indians from which they had not yet retired. The quarrel with the Meherrin Indians who lived on the Virginia border was the most serious prior to the Tuscarora war. This trouble began by one Lewis Williams¹³ settling in the territory of the Meherrin Indians and allowing his horse to eat the corn of the Indians. He was assaulted by some of the maltreated Indians, but was not fatally injured. Immediately a force of about fifty settlers captured a number of the hostile Indians and confined them for two days in a little fort so that they nearly died of heat, thirst, and hunger. The tribe was not large and appealed to the authorities of Virginia for protection. A dispute then arose as to whether the white man Lewis Williams was in the territory belonging to the Indians, or whether the Indians had encroached upon the domain of the white settlers. The Carolinians claimed that the Indians belonged beyond a neighboring river, Nottaway or Weyonoke; while the Virginians and Indians claimed that the settlers had entered the territory belonging to the Indians. The truth about the matter was that the settler had been sold his tract of land by the Carolina authorities with the understanding that the Indians should move on, thus ignoring the claim of the Indians entirely. No serious results ensued; though for a long

¹³C. R. I. p. 659.

time the matter was disputed and there was much ill feeling among all the parties concerned. This and the boundary line dispute was probably the cause of the hesitancy and slowness which the Virginia colony displayed in lending aid to avenge the Tuscarora massacre which we now come to.

Hitherto the settlers had encountered only small tribes that gave way easily upon crowding. But by the year 1711 they had advanced so that they were now treading upon the heels of a tribe or family of tribes as warlike, cruel, and cunning as any in the United States. Their numbers were considerable also. They could muster twelve or fifteen hundred fighting men.¹⁴ They inhabited a great section of territory bordering and north of the Neuse river. They were directly in the path of the advancing settlers and were not of a nature to be encroached upon or to surrender their lands without a struggle.

There were two causes or influences that provoked the Tuscaroras to go on the war-path. These were unrest at the encroachments of the whites and the civil dissensions of the latter. There was general unrest among all the tribes neighboring to the settlers. This was caused by the encroachments of the latter, the fire-water brought among the Indians, the movements of the tribes which the settlers were crowding upon, and the fear that arose in the Indians lest they should lose their hunting grounds. Also, John Lawson, a surveyor and naturalist, and Baron de Graffenreid made some explorations in the territory of the Tuscaroras and surveyed some of it. Lawson was engaged in this work for the purpose of getting material for historical and descriptive sketches. However, it excited suspicions among the Indians and the party was taken and held in captivity. Meanwhile the Cary Rebellion was going on in the colony. Governor Hyde, the newly arrived governor, was getting the best of Cary and his party. Upon this turn of the affair John Porter, one of the leading adherents of Cary, is reported to have sought aid for his faction from the Tuscarora Indians. His plan was to have the Indians massacre Hyde and his adherents. This may not have been true but it is very well established that the Indians learned of the strife in the colony and realized

¹⁴Moore p. 35.

that the time was opportune to annihilate the encroaching pale-faces and save their hunting grounds. A great council was called at which the matter was warmly debated.¹⁵ Finally it was decided that the Tuscaroras should take the war-path and all save Tom Blount and his followers acquiesced in the decision. Blount ever remained a friend to the whites. As a preliminary step Lawson and a negro servant were stripped, bound to a tree, and their bodies were made bristling with lightwood splinters which were set on fire. Graffenried escaped this awful death by pleading that he was king of the pale-faces and the great spirit would be angry if a king should be put to death.¹⁶

The Tuscaroras prepared to go immediately upon the war-path and take the settlers by surprise. Their forces were gathered together. These consisted of all the warriors of the Tuscarora tribe save Tom Blount and his followers. The Core Indians had joined the Tuscaroras when Lawson was burned,—a quarrel between Lawson and a Core Indian was a determining factor in his fate.¹⁷ Also a few small scattered tribes were induced to join the conspirators. The estimates of the total strength of the Indians concerned in the massacre vary. De Graffenried, who was a prisoner among the Indians, says the total strength was about 500. It was hardly under this number and may have been as much as 1,000. The Indians collected outside the settlements on the twenty-first of September and on the morning of the twenty-second made the attack which was totally unexpected by the colonists and which they were unprepared for. It was well-planned and well-executed. The settlers did not live in compact, well protected towns. The individual families were loosely scattered in little groups over a wide area in proportion to the number of settlers in the colony. No sentinels were posted. The colonists lived and acted just as if they considered themselves in no danger at all of a sudden attack, as indeed they did. Furthermore, the plan was so well and swiftly executed that no news of it reached the settlers beforehand other than that Cary's followers were trying to secure the aid of the Indians to massacre Governor Hyde's

¹⁵De Graffenreid's Narrative.

¹⁶De Graffenreid's Narrative.

¹⁷De Graffenreid's Narrative.

adherents. And the savages did not distinguish between Cary and Hyde adherents. All that were unable to escape were massacred or carried into captivity.

The total number of persons massacred or carried into captivity is estimated at between 125 and 200. There was a loss of 60 or more in Albemarle County and 75 or more in Bath County. As a rule men were massacred and women and children were carried into captivity. However many women and children were slain. The loss to the Indians was perhaps half a dozen. The deed was consummated with frightful barbarity, as was characteristic of the nature of these savages, women being in some cases impaled. The following is a pitiful letter¹⁸ from one of the survivors informing a friend of the massacre:

26th October 1711.

Loving Friend.

I suppose thee hast heard of ye mafecre we had here with ye Indians, they have kill'd about 100 people and taken prifoners abt 20 or 30, we are forc'd to keep garisons and watch and guard day and night wch I suppose, you have it all at large before now.

Thy reall friend

Ffarnifull Green.¹⁹

The Indians were pursued almost immediately, but so prostrated was the colony that the force was very small, numbering only sixty or seventy-five men. It met a force of about 300 Indians in a little encounter in which many of the settlers were wounded and one was killed. The leader thought it best to retreat.

Active measures were taken to prevent recurrence of a similar disaster and aid was promptly asked of the neighboring colonies. Governor Hyde of North Carolina requested the government of Virginia to send immediately 200 men, with the promise that they would be provided for. The Virginia Council authorized the governor to send the number of men called for. They were collected and about ready to march, but so slowly had the Vir-

¹⁸Taken from Colonial Records.

¹⁹De Graffenreid's Narrative.

ginians acted that they were entirely too late. The officials in South Carolina responded promptly. About 700 Yemassee Indians with some fifty whites under the command of Colonel Barnwell marched in a very short time to the assistance of the sister colony. This force composed almost the entire avenging party; for in the prostrated colony only a small force of white settlers could be raised, inasmuch as a large part of the population were Quakers who would not fight. Nevertheless the council voted £4,000 for meeting the expenses of the campaign.²⁰

Finally in the early part of the year 1712 the avenging force, numbering about 1,000 men, of whom at least three-fourths were Indians, marched into the Tuscarora country. The Indians had built a rough sort of a fort some distance west of Newbern and there had taken a stand with their women, children and captives to await the attack of the settlers. This was made at first in such a disorderly manner that it was ineffectual. Then some small cannon were brought up and directed against the structure, which immediately began to crumble. But for some reason not clearly understood,—De Graffenried said that it was through fear of killing or causing the Indians to kill the white captives,—Barnwell commanded his men to desist from the attack after which he concluded a treaty of peace. Barnwell was severely criticised for not pursuing his attack and making an end of the business then and there, which he might easily have done. However his conduct is excusable if twenty or thirty white women and children were in the fort, and De Graffenried who gives a very good account of the affair, says that such was the case. According to De Graffenried the prisoners were set free and the Tuscaroras agreed to keep the peace.

In returning to South Carolina the Indians under Barnwell captured a number of Core Indians who were the allies of the Tuscaroras and later sold them into slavery,²¹ thus violating the treaty made by Barnwell. They had engaged in the expedition with the expectation of taking a number of prisoners whom they should be allowed to sell and would thus gain considerable profit

²⁰C. R. I. p. 837-839.

²¹Ashe, 187-188.

out of the expedition. This breach of the treaty incensed the Tuscaroras so that they again became hostile.

Governor Hyde had died just after the first campaign and Colonel Thomas Pollock had taken his place. He immediately sent messages to Virginia and South Carolina asking for aid. Virginia as before was so slow in responding that her aid was too late. This negligence on the part of Virginia was due in part to a misunderstanding that the governors of the two colonies had in regard to supplies for the Virginia troops, and partly to the unfriendly feeling between the two colonies engendered by the Meherrin Indian quarrel and the rancorous dispute over the boundary line. However, South Carolina sent troops very promptly as before. Colonel James Moore came with 800 or 900 Indians and about fifty white settlers. These with about 200 of the North Carolina settlers went out to finish the business. The Tuscaroras were encountered in another fort which they had built a short distance from the first. The fort was assaulted and, after some sharp fighting, taken. Some 250 or 300 Indians were killed; about 500 were taken prisoners and a few escaped. The loss on the Carolina side was about fifty killed and 110 wounded. The prisoners were given to the Yemassee Indians who sold them into slavery.

Meanwhile a part of the great tribe of Tuscaroras was fighting in behalf of the settlers. Tom Blount, as we have before mentioned, did not take part in the massacre. He was induced by a guarantee of peaceful relations and presents to help the colonists against the Indians. As he did not wish to make war upon his own tribesmen he was assigned the task of punishing those tribes of Indians which had aided the Tuscaroras in the massacre. These were the Cores, Mattamuskeets, and Cateehnes. He directed his warriors against these tribes and subdued them quite satisfactorily.

The great and powerful Tuscarora tribe having been crushed with the exception of the peaceful Blount faction, there no longer remained any dangerous tribe near the settlements. With the passing of the Tuscaroras the safety of the colony was assured from a general massacre such as it had experienced. There remained now in close proximity to the colonists only

scattered remnants of tribes formerly powerful and dangerous. Of the Cores, Mattamuskeets, and Catechnes a small number were hiding in the eastern swamps. All the other tribes of eastern North Carolina such as the Chowan, Machapunga, Meherrin, Pasquotank, Nottaway, and Hatterras had so degenerated that they were harmless except to cut off outlying families. The remnant of the Tuscaroras that escaped Colonel Moore's force²² departed from North Carolina and went to join their brethren the Iroquois about the great lakes. Blount and his following were assigned hunting grounds near the mouth of the Neuse but later becoming dissatisfied with their location were allowed to move to the bank of the Roanoke river. A vast section of the heart of North Carolina was thus laid open for settlement.

The Indians having now disappeared to such a large extent from the eastern part of the state, it is appropriate to consider what had become of them. Some few had retreated further west but this does not account for the great number of Indians that once resided in the limits of North Carolina. Lawson wrote that not one-sixth of the number of Indians which inhabited the eastern section of the state fifty years prior to the time he made his trip through Northern Carolina still lived in those same regions. They were simply dead, the extinguishing process had begun and was going forward rapidly. The Indian race had come into contact with a new influence; a new environment had been created around those with which the settlers had come in contact. Also, the red men being totally different in habits, customs, manners, ways of living, could not abruptly adapt themselves to the life of industry which the settlers led, and being vastly inferior necessarily must succumb.

The chief influence which decimated the Indians were war, rum, disease, and degeneration of the race which resulted in increase in death rate and decrease in birth rate. They fought frequently and with much slaughter, seldom sparing a warrior who fell into their hands. Furthermore, the Indians never presented a united opposition to the settlers, but fought among themselves and even aided the settlers in extinguishing other tribes. They were not sufficiently intelligent and broadminded

²²Ashe, p. 191.

to see that they must fall when fighting in their desultory and divided manner against the settlers, united and persistent. Occasionally some Indian prophet had a vision of uniting all the tribes for driving the whites from America, but never could the Indians of one province even, be got to fight together in a systematic manner. In North Carolina during the Tuscarora war Tom Blount and his followers were in opposition to their own tribe. The Yeamassee Indians formed three-fourths of the force that conquered the Tuscaroras, little knowing that their own tribe would be broken in five years. And doubtless if there had been any strength in the Tuscaroras they would probably have gladly assisted against the Yemassee. Such was the way in which the Indians really conquered themselves.

A second great influence which diminished the Indian population was disease, especially smallpox. The Indians lived an unsystematic, intemperate, and unsanitary sort of life. They took little care of themselves, keeping well by virtue of much healthful, strenuous, outdoor exercise. They had some valuable knowledge of medicinal herbs and of treating wounds; but with all this their medical ability was very crude and limited. They lived by keeping well rather than by any ability to make a sick person well again. Thus when the scourge of smallpox brought by the whites got among them its effects were similar to that of the pestilence which devastated Europe in the fourteenth century. The Indians knew not how to cure it or even keep it from spreading. It is said that taken with it they would frequently rush into a stream and drown themselves through hopeless despair. This disease is said to have literally decimated many tribes.

A third important influence was rum. This evil was introduced among them by the first white people with whom they came in contact, for it was inseparable from the adventurers of those times. Amadas and Barlowe gave the first Indian they met a little and wrote that he liked it very much. Once having tasted it, a craving for it which the weak-willed Indians could not withstand seized them. They called it firewater and the more it burned them the more they desired it. Indian merchants, as mentioned before, very frequently drank all their

firewater before getting to their customers. So universal became this habit among them that rum became a leading article carried by the Indian traders. Great numbers debased and shortened their lives by this method.

Furthermore, the race degenerated in other ways from their contact with the whites. By it the Indians became unable to pursue their former strenuous life, necessary to the type of life they led. They weakened their bodies and corrupted that which they possessed of intelligence. They were unceasingly harassed by the whites and frequently forced to change their hunting grounds. This placed them in an unnatural position which resulted in restlessness and discontent. Their bearing with the whites was that of an inferior race, very galling to old warriors who had been accustomed to respect no one. Thus the Indians degenerated in body and mind so that they did not multiply as formerly. And thus the Indian population diminished by war, disease, effect of rum, and failure to reproduce themselves rapidly due to degeneration of the race, melted away on coming in contact with the white settlers.

With the destruction of the Tuscarora tribe the strength of the Indians of the eastern half of the colony was broken. By that conquest the settlers gained a firm hold which was never afterwards seriously disputed. Thereafter the Indians did not require to be driven, they allowed themselves to be crowded westward. Their population dwindled rapidly and the surviving Indians, retreating as the settlers advanced, populated the country not as thickly as it had been before the whites ever came to North Carolina. Henceforth the story must consist chiefly of the settling by newcomers of the interior part of the province.

Between the time of the Tuscarora war and the date at which the province came under royal control the population slightly more than tripled itself, although the great wave of immigration did not by any means reach its height. The population in 1728, at which time all the proprietors except Lord Granville surrendered their rights to the crown, was about 10,000²³

²³Lawson, p. 134.

compared with 3,000 in 1711 at the time of the Tuscarora war. This proportionately large increase was due to the opening of the country and to the flow of emigrants from Europe and more thickly settled provinces. Between the dates above mentioned the following new precincts had been added: in Albemarle County, Bertie and Tyrrell to the existing Currituck, Chowan, Perquimans, and Pasquotank; in Bath County, Beareford, Hyde, Craven, and Carteret had been created; in Clarendon County only one precinct had been created, New Hanover. The population was distributed as follows: in Albemarle County there were about 7,000 persons, in Bath County about 2,500, and in Clarendon County only some 500 persons. The population had mostly come by way of Virginia or to the seaports of the northern section and had stopped where they first arrived. Only four towns had legal establishment when the colony became a royal province. These were Edenton in the precinct of Chowan, Bath in that of Beaufort, New Bern in that of Craven, and Beaufort in the precinct of Carteret. All quite small then and all with the exception of New Bern have never grown large. In 1727 the dividing line between North Carolina and Virginia was run; and when the colony became a royal province in 1728, North Carolina and South Carolina were officially set up as independent provinces.

During this time the few Indians remaining near the settlements, while unable to be dangerous, were constantly mischievous and troublesome. Thus when the Yemassee Indians of South Carolina made war upon the South Carolinians the Indians of North Carolina sympathetically showed signs of hostility. There were several white persons murdered by individual Indians during this period. One George Seneka was tried, convicted, and hanged for the murder of a woman and her two children. Such cases were dealt with by civil rather than military authority. The tribes in their weak condition dared not refuse to hand over one of their number charged with a crime. On one occasion the Tuscaroras under Blount were charged with hindering an Indian slave from returning to his master. Blount appeared before the court in person and succeeded in clearing his people from any suspicion of hostility.

On two separate occasions the Meherrin and Nansemond Indians on the Virginia border line complained of molestation from the settlers and the settlers of hostilities on the part of the Indians. The trouble arose over a territorial dispute. The Indians complained of encroachments by the whites and the whites of the massacre of two families. Surveyors were sent to determine the lands of the Indians. It is doubtless true that the whites were very frequently the aggressors in these disputes. They had no sympathy for the Indians, desiring only that they move westward and allow the land they occupied to be settled. On one occasion Blount had trouble with his subjects and appealed to the authorities of the province for a proclamation to them bidding them submit to his rule. Blount and his followers were moved at their own request from their reservation in Bath County to another grant in northern Albemarle. This was done to shield them from the attacks of some hostile Indians of the southern part of the state. The Indians had now become very few in the neighborhood of the settlements and the settlers had not pushed westward sufficiently far to compete with the Cherokees and Catawbas for their lands.

During the period between the time when the colony became a province and the time of Governor Gabriel Johnston's death in 1752 the province made great strides westward. The population increased from 10,000 to above 45,000.²⁴ Ten new counties had been formed, namely: Edgecombe, 1733; Bladen and Onslow, 1754; Beaufort and Northampton, 1741; Johnston and Granville, 1746; Duplin and Anson, 1749; and Orange in 1751. Previous to this period there were very few whites other than English in North Carolina. Some Swiss, Palatines, and French Huguenots had settled on the Trent river in 1707 but these were all. During this period considerable numbers of Scotch and Scotch-Irish immigrants began to arrive in the province. The people of Scotland had rallied to the standard of Bonnie Prince Charles and after the battle of Culloden were given the alternative of execution or emigration. Thus a great many of these people left Scotland about this time, considerable numbers coming to North Carolina. They settled in the pro-

²⁴Martin, Vol. II. p. 59.

vince from Duplin County to the territory occupied by the Cherokees and Catawbas in the western part of the state. A large body of Highlanders²⁵ settled in 1746 about the Cape Fear River where the city of Fayetteville is now. With them was Flora McDonald, who aided Prince Charles to escape from Scotland after the battle of Culloden. This was the settlement, that being strongly attached to the king in the beginning of the Revolution, sent a regiment of Highlanders towards Wilmington which was defeated at Moore's Creek Bridge.

The Scotch-Irish began to arrive in North Carolina as early as 1736, coming over to better their economic condition and settling all along the rivers of the middle section of the province. They composed at this time the bulk of the population in the frontier western districts and pushed out beyond other settlements into new territory in which new counties were soon to be formed.

During this period the Indians of North Carolina gave little trouble. The settlers had by 1752 just begun to make settlements on the border of the territory occupied by the Cherokee and Catawba Indians. It seems that these Indians were engaged at this time and for several years after in conflicts with Indians living farther westward. The French had forts on the Mississippi River at this time and were allied with the Indians of that section. It is possible that the French incited the western Indians against the Cherokees and Catawbas who were never allies of the French.

The Indians had by this time disappeared almost completely from the extreme eastern settlements. They are scarcely mentioned in the records of eastern counties after 1730. At the close of this period there were about 300 Tuscaroras, 20 Mattamuskeets, 30 Saponas, 20 Meherrins, and a few others among the eastern settlements.²⁶ Some people of mixed blood lived in the southeastern part of the colony and probably were the people later designated Croatans.

In the next period between Governor Johnston's death in 1752 and the outbreak of the Revolution representatives of a

²⁵Foote's Sketches, p. 125.
²⁶Martin, Appendix XXVII.

new nationality came into North Carolina together with large additions to those already there. This new class of people were the Moravians, who came from Pennsylvania chiefly. In the year 1751, Gottlieb Spangenburg, a bishop of the United Brethren or Moravians, entered into negotiations for the purchase of a tract of land on which to make a settlement. The purchase of 98,925²⁷ acres from the agents in charge of Lord Granville's grant was completed in 1753. In that same year twelve unmarried men came from Pennsylvania and settled there. The territory was called Wachovia, after an estate belonging to the founder of the sect, Count Zinzendorf. Other Moravians soon followed and a town called Bethabara was founded. In 1759 the town of Bethany was established. The population of the former was, in 1765, 88, and of the latter, 78. The town of Salem was laid out in 1765. These together²⁸ with Friedberg, Friedland and Hope were the villages of this settlement at the outbreak of the Revolution. The Moravian population increased rapidly by means of increasing immigrants.

During this last period the whole province grew with marvelous rapidity. Settlers poured into the middle and western parts which were still very thinly settled. The eastern part of the colony grew rapidly also. During a single year no less than eleven hundred²⁹ families of Scotch Highlanders landed at Wilmington and went up into the interior. Scotch, Scotch-Irish, and English and Germans from more thickly settled provinces, flowed steadily into the province. There was no sort of persecution to fear. On the other hand there was abundance of good land at very cheap rates. Towards the latter part of the period during Tryon's administration the people in the western counties suffered severely from high taxes, corrupt officials, and the lack of an easily accessible market for their produce. This led to the rebellion by the Regulators. The flow of immigration was not seriously affected by this, however. Settlers began, during this period, to cross the mountains in considerable numbers and settle in Tennessee, so that at the outbreak of the

²⁷Martin, Appendix LXVIII.

²⁸Ashe, p. 416.

Revolution there were several thousand persons in that part of North Carolina.

At the beginning of the Revolution there were in North Carolina about 150,000 people.³⁰ A large majority of these lived in the eastern part of the state, about three-fourths. The new counties, Rowan and Cumberland, 1754; Dobbs and Halifax, 1758; Hertford, 1759; Pitt, 1760; Mecklenburg, 1762; Brunswick, 1764, Chatham, Guilford, Surry, Wake, and Tryon, 1768; were formed during this period. There were several little towns in the province that are worthy of notice. Wilmington and New Bern were the most important. Bath and Edenton were other coast towns. There was Campbellton, later Fayetteville, on the Cape Fear. Halifax was important. In the west there were Hillsboro, Salem, Salisbury, and Charlotte. Besides these there were many little villages scattered through the province.

The colonists during this period began to settle in considerable numbers in close proximity to the villages of the Cherokee and Catawba Indians and, indeed, to crowd the territory so that the Indians must necessarily expel the whites or else be crowded westward. At the beginning of this period these Indians were at war, as I have mentioned, with some Indians dwelling further west. The Moravians wrote that bodies of Indians going on the war-path would frequently stop a short time in their city Bethabara, and that they were careful to treat the red men kindly. For a few years the relations between the Cherokee Indians and the settlers continued to be friendly. In 1759 Governor Lyttleton of South Carolina incensed the Cherokee tribe by holding as hostage thirty chiefs who came to him to make a treaty of peace. A body of Cherokees attempted to liberate the chiefs who were confined in a frontier fort, but these were massacred by the whites, angered because the Indians, having enticed their commander from the fort, treacherously murdered him. The war then became serious. A force of Indians surrounded the frontier fort, Saint George, in South Carolina, starved its garrison into surrender, and then massacred it. In 1761 Colonel Grant of South Carolina³¹ marched with over

³⁰Martin, Vol. II. p. 395.

³¹Martin, Vol. II. p. 140.

2,000 militia and Indian allies into the Cherokee country. The Indians made one attack upon his force which was repulsed. He then ravaged their territory, destroying many fields of grain and fifteen villages. A reward of five pounds was offered for each scalp. North Carolina did not engage very actively in the war, though Colonel Hugh Waddell with a body of Tuscarora Indians and settlers was a part of the force under Colonel Grant. This war subdued the Indians of the southwest until many years later when they were incited by the English to the Fort Mims and other massacres, after which they were completely reduced to submission by Andrew Jackson. Thus by the beginning of the Revolutionary War almost the whole colony had been wrested from the Indians. They were in strength only in the extreme western part of the province, though a few still remained in the central and eastern parts.

This is the story in brief of the conquest of North Carolina by the white settlers from its Indian inhabitants. A little more than one hundred years had elapsed since Roger Greene made the first permanent settlement within the limits of the present state of North Carolina. Prior to this time the Indians alone had inhabited that fertile region. They had lived, and that is all. They progressed not, and so did not produce anything which they could leave as a valuable inheritance for humanity. They did not develop that which nature gave them. With their bows and arrows for weapons; their skins of beasts for clothing and shelter; and their game, nuts, and vegetables very little domesticated for food, they had just what nature gave them and in the same primitive form of their forefathers for ages gone by. It was not in the nature of the progress of the world for such a people to occupy so fair a portion of the earth or even to remain upon it as a check to advancing civilization. And so the civilized and progressive European came to expel them.

All things worked together to overwhelm the poor Indians. They knew not that in Union there is strength and some few farsighted leaders who comprehended the situation could not get the tribes to unite. They fought among themselves, exterminating each other. Some assisted the whites against others.

Their game fled from the sound of the white man's axe and from the sight of his clearings, forcing them to follow. They died from the white man's fire-water, and from his diseases; and, as a climax, when they refused to retreat of their own accord, the whites drove them out by violence, killing many. Theirs is indeed a sad story. It is the story of the struggle of an inferior race with a superior one, together with the uncongenial environment which the superior race created. The result was merely the survival of the stronger and the one best suited to progress, and the rapid decline of that weaker race which was suited only to the life of ages gone by.

REFERENCES

Lawson: History of North Carolina. Colonial Records.

Martin: History of North Carolina.

Moore: History of North Carolina.

De Graffenreid: Narrative of Adventures in North Carolina. Journal of Party that ran the boundary line between Virginia and North Carolina.

Williamson: History of North Carolina.

Hawke: History of North Carolina.

Wheeler: History of North Carolina.

Ashe: History of North Carolina.

Foote: Sketches of North Carolina.

Old South Leaflets, Vol. IV: First Voyage to Roanoke.

Old South Leaflets, Vol. V: Raleigh's First Colony.

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CONTENTS

The North Carolina Colonial Bar
Ernest H. Alderman

The Granville District
E. Merton Coulter

THE SEEMAN PRINTERY
DURHAM, N. C.
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THE NORTH CAROLINA COLONIAL BAR

BY

ERNEST H. ALDERMAN

THE NORTH CAROLINA COLONIAL BAR*

Like all other studies dealing with North Carolina Colonial History, and dealing with the earlier part of the Colonial Period especially, the study of the North Carolina Colonial Bar is attended with many difficulties. The official records are so few in number and so indefinite in detail that it is little short of impossible to form any clear idea as to the condition and quality of the legal profession of the period. More than likely it is for this reason that even in the better histories of our State, written at a late date, we find no connected account of the Colonial Bar. Or perhaps Wheeler is right when he says: "The Colonial history of the judiciary under the proprietary and regal governors of North Carolina did not allow the legal profession that weight in the community that its importance merited. With despotic governors and among a restless population, rules of action declaring rights and prohibiting wrongs were but little regarded."¹

However the case may be and whether or not lawyers were regarded as of great importance by the early North Carolinians, it is a fact that we have few records to show how they were regarded as a class.

Again, the few records which we do have are almost exclusively adverse to the lawyers. They form a chain of protests against the bar and of legislation passed with the intent to control and suppress its members.

The first record which I have been able to find in connection with the subject, for instance, is directed against the members of the Bar. Locke's Fundamental Constitutions for North Carolina (1669), article 70, says: "It shall be a base and vile thing to plead for money or reward; nor shall anyone (except he be a near kinsman no farther off than cousin german to the party concerned) be permitted to plead another man's cause till, before

* This paper was awarded the first prize, given by the North Carolina Society of Colonial Dames of America for research in North Carolina Colonial history by undergraduate students of the University.

¹History Sketches of North Carolina, page 99.

the judge in open court, he hath taken an oath that he does not plead for money or reward, nor hath, nor will receive, nor directly or indirectly, bargained with the party whose cause he is going to plead, for money, or any other reward for pleading his cause."

Thus, at the beginning of the establishment of the colony the profession which now is regarded as one of the most noble was condemned. However, as Ashe suggests, the purpose of this provision was possibly to build up a clientage for the great lords and add to their importance.

From that time on, however, we get accounts of difficulty after difficulty between the lawyers and the courts, or between the lawyers and the people. This was probably due to the method by which lawyers were licensed. From the earliest time on to very near the time of the Revolution they were granted license by the governor with no restriction whatever, except the custom which grew up of the Chief Justice, after a perfunctory examination, recommending candidates to the governor. Naturally enough, many men were thus permitted to practice who had no scruples whatever—men who manipulated the courts so that they could squeeze as many fees as possible out of their clients.

Therefore, from the records we are forced to believe that lawyers as a class bore an unsavory reputation in the early days. On the other hand we know that many of them were great and patriotic men. In the disputes and quarrels leading to the Revolution, in the Revolution itself, and finally in the organizing of the State, many of the leaders were sincere and patriotic members of the bar.

Of the early years of the North Carolina Colonial Bar, as said, we know little. The first notice of lawyers being in the colony that I find in the Colonial Records is as follows:

"At a Court Holden at The House of Diana F. Fosters—The First Munday In February Anno. Do. 1693-94.

"A Judgment confessed by Major Lillington and Mrs. Susanna Hartley as Attorneys to Capt. George Clark for £35, s.19 with cost alias Execution; Ordered that Major Alexander Lillington and Mrs. Susanna Hartley in their capacities aforesaid

do pay unto Colls. Wm. Wilkerson sum of £35, s.19 cost aforesaid.”²

We could not tell from this whether Lillington was a practicing attorney-at-law or merely an attorney-in-fact, but later records show that he was a licensed practitioner.

From then on through the Records we find name after name listed as an attorney. From this we get the following list named in the order in which they first appear, together with a few gathered from other sources, namely:

Maj. Alexander Lillington, Capt. Henderson Walker, William Glover, Francis Tomes, John Hawkins, Edward Mayo, Richard Plater, Stephen Manwaring, Andrew Ros, Hanabell Haskins, John Porter, Francis Hendrick, John Durant, Barbary Middleton, Wm. Duckenfield, John North Cote, Dan Akehurst, Thomas Pollock, George Durant, Callom Flynn, Jacob Peterson, Gabriel Newby, Caleb Calloway, James Long, Richard Plato, Christopher Butler, James Thigpen, Robert Fendell, Archbill Homes, John Falconer, Thomas Norcum, John Stepney, John Anderson, Thomas Snoden, Richard Burthenshall, Capt. Cole, John Heckelfield, William Wilkeson, Thomas Boyd, Sam Swann, Peter Godfrey, Hugh Campbell, James Locke, Nath Chevin, Thomas Norkam, John Winbury, Dennis Macclendon, John Foster, Isaac Wilson, Wm. White, Arnold White, John Clarke, Ed. Berry, Richard Henderson, John Pettiver, Edward Moseley, Ed. Bonwicke, James Locke, Lewis Cannon Marcht, John Lorricker, John Palin, Thomas Boyd, Dan Guthrie, Dan Richardson, Joell Martin, Augustine Scarborough, Thomas Bray, Thomas Henneman, Will Little, Thomas Swann, Thomas Jones, John Baptists Ashe, John Culpepper, McGuire, David Osheat (Osheal), James Everard, Henry Pendleton, William Hooper, John Penn, Abner Nash, Marmaduke Jones, William Charlton, Stephen Dewey, Mr. Hodgson, Richard Neale, Edmund Fanning, John Williams, Mr. Lucas.³

Many of these men were little known—in the case of some of them the only mention being the one noting their acting

²Col. Record, Vol. I—392.

³This list is not claimed to be complete. Probably names of many men who began to practise just before the Revolution should be included, but as they were not connected with colonial history proper, I have omitted their names.

as attorneys in certain cases. Many of them, on the other hand, we meet with again and again in colonial history. In the case of several we cannot be sure that they were regular practitioners, but it is clear that for the most part they were. The list is long enough to show that despite opposition to their profession there were many of them during the hundred years of the colonial period—especially is this so when we remember that the records are very limited.

Our object now, however, is to take up in a general chronological order the history of the profession in that period, and incidentally to study the careers of particular members of the profession.

As early as 1695 we find that certain members of the Bar were in trouble with the courts, as the following—borrowed from Hawk's History of North Carolina—shows:⁴

FROM COURT RECORDS

1695—"Ordered that the marshall take into custody Stephen Manwaring, and him safely keep until he shall find surety for his appearance the second day of the next general court, to answer for his contemptions and insolent behavior before the court, and to be of good abearance in the meantime."

"Whereas it appears unto this court that Stephen Manwaring hath been a juryman in the precinct court of Perquimans, in a cause wherein he was before retained as an attorney: ordered that the said Stephen Manwaring be not suffered to plead as an attorney in any court in this government.

"Upon the humble petition of Stephen Manwaring, praying that he may have until the fifth day of the next general court to make proof that he informed the court of his being of council in the above-mentioned cause before he was sworn of the jury; the above order is suspended until the fifth day of the next general court that the said Stephen Manwaring may make proof of his above-mentioned assertion."

1697—"Whereas, at a general court, holden the 26th day of February, 1695, Stephen Manwaring was, by order of the said court disabled from pleading as an attorney in any court of

⁴Vol. II, p. 111.

record in this government; which order was suspended upon the petition of said Manwaring, and day given him to the then next general court to clear himself from the information then brought against him; which he, the said Manwaring not having done, the said order passed against him is hereby revived and confirmed. And it is hereby ordered that the said Stephen Manwaring shall not be from henceforth permitted to plead as an attorney in any court of record in this government."

1695—"Whereas, Col. William Wilkeson and Capt. Henderson Walker have offered sundry affronts to the members of this court; ordered that neither the said Col. Wilkeson, nor the said Henderson Walker from henceforth be allowed to plead as attorneys in this court in any person's cause, except in the cause of such persons as have not their residence in this government.

"Col. William Wilkeson comes abruptly into the room where the Hon. Thos. Harvey, Esq., deputy-governor and council were, and there using some violent discourse was desired to give some of the council liberty to speak, and replied, 'I have given you all too much liberty, and especially to you,'—directing his speech to the Hon. Daniel Akehurst."

It would be interesting to know further details of these conflicts and of the men connected with them. We know indeed that all three of the men mentioned above as having been forbidden to practice were prominent men in the colony. Walker was afterward governor for a short period, and his rule was extremely beneficial to the colony. Wheeler tells us that "under the mild rule of Gov. Walker, the inhabitants of North Carolina increased in the enjoyment of the highest personal liberty." As he had been a judge of the Supreme Court, he was especially interested in the judiciary. As a result an important change took place in the judiciary. Whereas "the general court had been held by the chief magistrate, the deputies of the lords proprietors, and two assistants, a commission was now issued appointing five persons Justices of the Supreme Court.⁵

At this period, as all our historians agree, the most prominent men of the colony were attorneys, among them being Alexander

⁵Wheeler.

Lillington (died 1697), Major Sam Swann, Thomas Pollock, Henderson Walker, Wm. Glover, and John Porter.

A letter of William Gale's—written about 1700—tends, however, to prove an above statement to the effect that lawyers as a class suffered under an unenviable reputation. He says in part: "Most who profess themselves doctors and attorneys are scandals to their profession." This attitude was probably due to the fact that professional men were now beginning to be exorbitant in their fees—a thing which is shown by the fact that beginning now and going on up to the Revolution there was a continual stream of legislation, or attempted legislation, to regulate fees of attorneys.

In a court record⁶ for 1703 we find an entry which is interesting in that it gives us an idea of how the early settlers gave the power of attorney to their lawyers, namely:

"Know all men by these presents that I, Henry Becker, of Virginia, Nominated, Constituted, Authorized and Appoynted and in my stead and place do put my very good friend Sam Swann Esqr. in Carolina to be my true and lawful attorney irrevocably to sue for Levie Recover Receive Demand and take of Wm. Early of ye said Carolina ye sum of 24:17:4½ Or any other person or persons Indebted to ye sd Baker within ye abovesd Country Giving and Granting into my said Attor. my full and whole power and Lawful Authority in ye execution of ye premisses to arrest attack Implead Imprisson and out of Prison againe to Deliver ye sd Wm. Early his heirs etc. until they or some of them shall have fully satisfied ye Debt abovesd And upon Reciete thereof or any part thereof acquittances or any other Lawful discharges in that behalf for me and in my name to Do Conclude and Finally in as full Large and ample a manner as I may Might or Could Do were I personally present Ratifying Allowing and Confirming all and whatsoever my said Attor. shall legally Do or Cause to Be Done herein given under my hand and seale ye 17th Day of April 1703.⁷

"HENRY BAKER.

"Sele & Delivered in presence of
"RICHARD BARFIELD."

⁶Col. Rec. Vol. I—587.

⁷This was the form for granting power of attorney. As such was generally given only to attorneys-at-law, I quote it.

For a number of years after this we get no important records bearing on attorneys. The colony was apparently too busy fighting Indians to think of anything else.

In 1718, however, we get another glimpse of the governor's despotic influence over lawyers, and for many years thereafter the historical account of the colony is filled with chronicles of several members of the bar. One of the chief of these was Edward Moseley, possibly the most prominent of colonial lawyers.

Moseley came to the colony in 1704 and immediately began to play an important part in affairs of the province. He seems to have acquired a considerable practice and a still more considerable influence. He became surveyor-general, member of the council, Speaker of the Assembly, Chief Justice, and held other important offices at various times.

The incident of 1718, spoken of above, grew out of a quarrel between Moseley and Governor Eden. During Eden's administration (1714-1722) the colony was much troubled with pirates, the most daring of these being a man by the name of Teach—more familiarly known as "Blackbeard." The government seemed to be absolutely unable to do anything with Teach. Several expeditions were despatched against him, but they did not stop his depredations. As a result, many in the province came to the conclusion that the government was secretly in league with the pirate. The following from Wheeler⁸ tells about this excellently:

"The character of Governor Eden suffered much by a supposed intimacy with Teach. Edward Moseley, who was a prominent man in the colony, declared that the governor could raise an armed posse to arrest honest men, though he could not raise a similar force to apprehend Teach, a noted pirate; and on Teach's dead body was found a letter of his (the Governor's) secretary, Tobias Knight, intimating proof of Knight's friendship and Eden's respect.

"Moseley was subsequently arrested for a misdemeanor himself, and tried by the General Court, convicted, fined one hundred pounds, silenced as an attorney, and declared incapable of

⁸Historical Sketches, page 39.

holding an office in the colony during three years. The Governor laid before the council (1719) an account of his proceedings against Teach. The council expressed their approbation of his conduct."

Moseley may have been somewhat rash in his assertion, but it is hard to believe that he could have been malicious in making it. His general character seems to have been good, as his popularity attests. Whatever motive prompted him to make the charge, the result of the incident shows the power which the governor possessed over licensed lawyers.

Shortly before this,—or in 1715—two legislative acts were passed by the Assembly which had an important bearing on the bar. Both of these arose out of complaints against lawyers by the people. Fees must have become exorbitant, for we see several attempts to regulate them. Finally, after a great amount of quibbling, the following were set down as legal fees:

ATTORNEY'S FEES⁹

	lbs.	s.	d.
For every cause in General Court.....	0	0	10
For every indictment or information on a Bill Found	2	10	0
For same in Precinct Court.....	0	5	0

The second resulted from complaints caused by commissioners and minor court officials—who were especially exorbitant—acting as attorneys. The act reads:

"An Act relating to the Justice Court of Pleas, and to prevent the Commissioners and other inferior officers of the said courts pleading as Attorneys.

I. It is enacted by His Excellency the Pallatine and Lords Proprietors of Carolina and with the advice and the consent of this present General Assembly now met at Little River for the No. Part of the said province.

II. And It is Hereby Enacted that from Henceforward there shall not be at one time more than one of the Lords Proprietors Deputies Commissionated to sitt as Judge or Justice

in the General Court nor more than one of the said Deputies or Justices of the General Court commissionated to sitt or Act in any of the precinct courts of this Government.

“III. Be it further enacted that by the authority aforesaid no Commisrs., Sheriffs, Under-Sheriffs, or Clerks of any court within the colony shall be permitted to plead as an Attorney in the court where he officiates under pain of being fined the sum of ten pounds, one-half to the informer and the other half to the use of the Publick (except it be in his or their own cause, or as General Attorney for persons out of the government).

“IV. And provided also that this act nor anything therein contained shall not be construed and adjudged to prevent or hinder anyone of the Commrs. of any court being assigned by the court to plead the cause of any person hereafter to be admitted to sue in *Forma pauperis*—such commr., or commrs., not giving judgment in the said case, anything herein before contained to the contrary notwithstanding.”¹⁰

EDWARD MOSELEY, *Speaker.*

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRANCIS FOSTER,
L. KNIGHT.

This act was in force for about thirty years, but it does not seem to have helped matters to any extent. It was repealed in 1746.

The next record of particular importance comes in 1722. This record is of interest in that it involves one of the prominent lawyers of the day and shows the boldness of his spirit. I find the record set down in Hawk’s History of North Carolina.

ABATEMENT OF A SUIT BY REASON OF THE PLAINTIFF’S OUTLAWRY

“1722—And now here at this day, came the said Robert Peyton, by Daniel Richardson, his attorney, to prosecute his suit against Thomas Swann, for speaking and uttering divers false and scandalous words, to-wit, that he, meaning the said Robert

¹⁰Col. Rec. XXIII—16.

Peyton, and speaking of him as he had served as foreman of a jury in Currituck—was foresworn, and made the rest of the jury forswear themselves; from which said false and scandalous words the said Peyton saith he hath damage to the sum of 100 lb., and therefore brings the suit, etc.

“And the said Thomas Swann, in his own proper person (he was one of the attorneys of the province) comes and defends the force of the injury, etc., and for plea says, that the said Peyton, his action, aforesaid, against him the said Swann ought not to have and maintain, and for proof thereof produces here in court a certificate under the colony seal of His Majesty’s dominion of Virginia, whereby the said Peyton appears to be outlawed by the General Court of the said province. Whereupon the plaintiff prays leave to discontinue his suit. Wherefore it is considered that the said Peyton may go from here in mercy, and the said Swann may go without day, And the said Peyton pay cost alias execution.”

The fifteen years following this episode was an eventful period in North Carolina. The conflicts between the people and their government increased in number to such an extent that at last the proprietors gave up and sold their rights to the King. Then many years were spent in trying to straighten out the difficulties, but the efforts brought on only the more conflicts. There was struggle between the people and the King, through his governor, over the currency, over property rights, over the courts, over taxes,—in short, over everything; for the people were rapidly becoming tired of foreign rule. They were beginning to acquire the spirit of the Revolution and of independence.

In all these struggles we find among the leaders several members of the colonial bar. Especially prominent among these was Edward Moseley, long the leader of the so-called popular party. An account of his deeds alone, or an account of the deeds of many of his brother lawyers would easily fill volumes. It all goes to show that in colonial times—as indeed in any time—though the attorneys may have had numbers of avaricious, ambitious, and selfish men among them, there was a sufficient

number of good, unselfish, and patriotic men among them to save the name of their profession.

The effect of the conduct of those lawyers who were seeking only their own welfare was strong enough, however, to lead to great protest among the people. As the old law did not provide sufficient remuneration to the lawyers they constantly avoided it. Many were extremely greedy in demanding fees. Again, through intrigue, they would have even the minor cases continued from court to court, and thus add to their receipts. They were aided in this by many of the minor court officials and in some cases by the more important officials, who would add to their gains by the same means. The people rebelled. As a result several measures were passed regulating the fees of the officials and also of the attorneys. The most stringent of these came in 1743, namely:

“An Act to ascertain what attorneys’ fees shall be taxed and allowed, in any suit of Action brought in any of the Courts of Record in this province.

“I. Whereas there is no Fee, by Law, allowed to be taxed in any Bill of Costs, sufficient to compensate any attorney for his trouble for prosecuting or defending any suit or cause in any of the courts of the province.

“II. Be it therefore enacted by his Excellency, Gabriel Johnston, Esqr., Governor, by and with the advice and consent of this Province, and by the authority of the same that from and after Ratification of this Act, the several and respective Attorneys’ Fees herein-after mentioned shall be taxed and allowed in the courts following; that is to say, in the General Court, on any action brought, or suit commenced there, or by Petition, Thirty Shillings, Proclamation money.

“III. And to the end that such fees shall be received and paid to whom the same shall be due, Be it enacted, by the Authority aforesaid, That upon Dismissal of any suit, verdict for the Plaintiff or Defendant, or that the Plaintiff shall become non-suit, or the suit otherwise discontinued, the clerk of each and every of the said and respective Courts shall insert an Attorney’s Fees in the Bill of Costs taxed in the said cause, and shall cause

the same to be levied as other fees, and paid to the parties who have a right to receive the same.

“IV. Provided always, That the Fees above-mentioned for suits commenced as aforesaid, in the county courts, shall not be allowed or taxed on appeals brought from any Justice or Justices, in the said Courts, on the Law for Tryal of small and mean causes.

“V. And be it further enacted, by the authority aforesaid, that if any practicing attorney in any court of record in this Province, shall neglect to perform his Duty in any action in which he shall be retained, or commit any fraudulent practice, said attorney shall be liable to an action on the case at Common Law, in the General or County Court in this Province, to the party injured; and on the verdict passing against him, Judgement shall be given, by the said court, for the Plaintiff, to recover Double Damages with costs of Suit.”

What was said about the act of 1715 to regulate fees—that there was much preliminary quibbling before it was finally passed—may be said, with still more emphasis, concerning this act of 1743. The bill was introduced in the Assembly several times before it finally received attention. There it was passed up to the council, by which body it was amended. The amendments were in part unsatisfactory to the Assembly, and the two Houses entered into considerable argument before it was finally passed in the above form.

Another bill bearing on attorneys was introduced at about the same time as the above one. This second bill was concerning the admission of candidates for the bar. To repeat, the appointment of attorneys during the period was left entirely to the Governor, though the custom was for the Chief Justice to examine candidates and recommend them to the governor.

The Assembly quite justifiably felt that this was not right. Hence it prepared a bill providing for regular examination of candidates. It was passed and sent to the Council. The Council amended it and sent it back to the lower house; as the latter would not accept the amendments, the bill was temporarily lost.

We next hear of it in 1753. The following House records tell us of its treatment this time, namely:

February, 1753.

"Introduced by Mr. Vail and Mr. Bartram: The bill directing the examination and admission of persons hereafter to be permitted to plead or practice the law in this province."¹¹
April 9, 1753:

"On reading the bill directing the examination and admission of lawyers hereafter to be permitted to plead, etc. This House was pleased to send the following message, to-wit

Mr. Speaker, and Gentlemen, etc.:

"We observe that in the bill directing the examination and admission of persons hereafter to be admitted to plead and practice the law in this province, your House has thought fit to *delete* the following clause And if any attorney shall act contrary to his duty, the Governor and not less than five of the Council upon complaint and proof thereof, made before them, may supercede such attorney's license, and suspend him for a time, or disable him forever, as they shall think just.

"We apprehend that if complaint against practices of the law, are not to continue to be cognizable before the commander-in-chief of the Council where complaints against all officers in the province are cognizable, and by whom they may be suspended; it will be difficult, if not impracticable, for his Majesty's servants to have relief against the misdemeanors of the Gentlemen of that profession. We, therefore, cannot recede from our amendment, but desire your concurrence, which if your House agrees to, please to send two of your members to see the same done."¹²

With this action on the part of the Upper House, consideration of the bill again closed. Nevertheless, the people were determined that some action should be taken in regard to better control of lawyers, and their demands were finally complied with, as we shall see later.

¹¹Col. Rec. Vol. V—42.

¹²Col. Rec. Vol. V—49.

These struggles over the lawyers, however, made up but a small part of the strife of Governor Johnston's administration (1734-52). The main part of it was on account of currency legislation, and of quit-rent legislation. Governor Johnston appears to have been in trouble with the Assembly, with his Council, and even with his home government. In 1748, in fact, a strong effort was made to displace him. In this effort Henry McCulloh, a man of considerable property in the colony, took a prominent part. In a series of memorials to the Board of Trade of London he recounted the misdeeds of the Governor. I quote some extracts from these memorials, as they have an important and interesting bearing on our subject:

"To the Board of Trade:

"When your memorialist sent a letter of attorney to two lawyers to act for him, the answer was, that they, or any other lawyer in that province durst not attempt to act in any matter against the said Governor (Johnston) for as they had the liberty of pleading by license from him only, he in that case would withdraw the said license and so prevent them from pleading."¹³

"The attorneys and lawyers of the courts are under such dread of having their licenses recalled, and consequently deprived of getting their Livelyhood that they are unwilling to give their evidence in any matter, which hath prevented proof being made of what was charged in the relation to the Governor's arbitrary manner of proceeding in Injunctions."¹⁴

Johnston made a reply to the charges of the memorialist, whereupon McCulloh defended his position in another memorial. In this we find the following:

"What your memorialist charged in relation to injunctions hath to his knowledge been frequently complained of by all the lawyers in the said colony, and if the Governor had been innocent in that respect, he could have easily procured one or two of the most eminent of the lawyers there to certify to the falsity of the said charge, but that would not answer his purpose,

¹³Col. Rec. Vol. IV—1102.
¹⁴Col. Rec. Vol. IV—1111.

wherefore he hath enjoined silence under the penalty of withdrawing their licenses to plead.”¹⁵

These memorials had no effect, for Johnston kept his office until his death in 1752. They give grounds to believe, nevertheless, that Governor Dobbs,—when he himself was accused of intimidating lawyers—was right in saying, “That he was not as arbitrary in his official conduct as Governor Johnston, in that he never disbarred attorneys whom he disliked, at his own sweet will, as Governor Johnston did in the cases of Mr. Hodgson, then Speaker, and Mr. Samuel Swann, afterwards, Speaker.”¹⁶

One other thing bearing on our discussion remains to be noticed as occurring in Johnston’s administration. In 1749, a general revisal of the laws of the colony was made, and in this revisal, certain English laws were declared to be in force in the colony. Among these was a provision providing for the punishment of an attorney found in default; also, among these was an act requiring the practitioners of the law to take the oath, and subscribe the declaration therein mentioned.¹⁷

In an entry in a court record for 1753, we get an example of the formality of admission of lawyers who were already licensed practitioners outside of the colony. It is:

At a council 1753.

“Mr. Richard Neale produced a certificate of his Admission as an Attorney from the Clerk of the Court of the King’s Bench in England, which being read, he took Oaths by Law Appoynted to be taken, Made and subscribed the Declaration against Transubstantiation and took the Oath of an Attorney.”¹⁸

In the administration of Governor Dobbs there are again signs of dissatisfaction over the method of control of attorneys. In a report of the Committee on Propositions and Grievances, made Jan. 9, 1755, there is the following entry:

(5th)—“That the growing Number of Attorneys (occasioned by want of a proper method of Enquiring into their Probity,

¹⁵Col. Rec. Vol. IV—1147.

¹⁶Col. Rec. Vol. VI. Intro. XXXV.

¹⁷Col. Rec. Vol. XXV—320.

¹⁸Col. Rec. Vol. V—31.

good Demeanor, and Ability) And their Mismanagement of Causes either through Ignorance or Neglect, whereby their Clients lose their Suits without any Remedy of Recovering their costs of such Attorneys, is a grievance."¹⁹

For some reason—possibly because it was controlled by some of the exorbitant lawyers complained of—the Assembly apparently did not sympathize with those complaining. In a report sent by Dobbs to the Board of Trade complaining of the defiance of the Assembly, he says: "They next, to show their power, expelled a member who had been expelled in a former Assembly, and who was now elected for a different county, under pretense that he had sworn rashly in a former committee (though this was a new assembly) the chairman of which, though no Magistrate, having illegally taken upon himself to administer an oath; but the true reason was his having brought in a Bill to lessen the lawyers' exorbitant Fees, some of whom were so avaricious as to take a Fee of ten pounds, where only thirty Shillings was due by law."²⁰

Owing to the hesitation of the legislative body, therefore, action regarding the regulating of attorneys was delayed. In 1760, after many years of demand for such an act, the following law was passed:

LVII. "And whereas, as well The Dignity of the Courts as the Security of the Suitors, depends greatly upon the capacity and probity of Lawyers practising in the same: Be it therefore enacted by Authority aforesaid (Governor, Council, and Assembly) and it is hereby Enacted, That no Person who hath not already obtained a License shall hereafter be admitted as an Attorney to practise the Law, or a Counsellor to plead in the Superior or Inferior Courts in this Province, unless he shall first have been regularly examined as to his knowledge in Matters of Law, and the practise of Court, by some one of the Judges of the Superior Courts; and shall have obtained a certificate under the hand of such Judge, recommending him to the Governor or Commander-in-Chief for the time being, as properly qualified to practise the Law, or plead as aforesaid,

¹⁹Col. Rec. Vol. V—300.

²⁰Col. Rec. Vol. VI—246.

and shall likewise have obtained a certificate from the Justices of the Inferior Court of the County wherein he shall reside, certifying him to be a person of good character; and no license shall be hereafter granted to any persons to practise the Law, or plead in any of the Courts of Law or Equity, until such certificates shall be by him obtained. Provided, That nothing in this Act shall be construed to prevent the Governor or the Commander-in-Chief for the time from granting a License to any person who shall remove from some other part of his Majesty's Dominions into this Province, without the certificate of a County Court within the same, so as such person shall bring credentials from the Governor or Judges of the Principal Courts of Justice of the Province, Colony, or Dominion, from which he shall have so removed, properly testifying his character as aforesaid, anything herein to the contrary notwithstanding.

LVIII.—“Provided also, That nothing herein contained shall be construed to debar any Lawyer called to the Degree of a Barrister in England from practising or pleading in any of the Courts of Judicature in this Province in the Manner as might have been done before the passing of this Act.”²¹

Before the passing of this act there was a great quarrel between the Assembly and Governor Dobbs—a quarrel which directly concerned the lawyers of the province. In 1754 a bill had been passed establishing Supreme Courts and enlarging the jurisdiction of the county courts. This bill created the office of Associate Justice, “the appointees to hold during good behavior, and in the absence of the Chief Justice, they were to exercise full jurisdiction. As a qualification for appointment they were to have been Barristers of five years' practise in England or attorneys of seven years' practise in this or adjoining province. These features were objectionable to the Board of Trade, for they restricted the power of the King to select, thus encroaching on his prerogative and they also rendered justices independent of the Crown.”²² As a result, the Board of Trade repealed this act in 1759. Since the Assembly and the Governor

²¹Col. Rec. XXV—448.

²²Hist. of N. C., Ashe, 297.

could not agree on a new act, the province was without a court law for nine months. The Assembly refused to pass any Aid Bill, providing appropriations for the government of the colony, until the proposed court law should be ratified. At the end of the nine months the Governor, therefore, gave in and allowed the law to be enforced for two years, provided the King was willing. For ten years thereafter this court law was renewed every two years, until finally a permanent one was declared to be in force.

The associate judges appointed in 1761 under this new law were Marmaduke Jones, William Charlton, and Stephen Dewey. All of these men were highly capable, efficient lawyers, and had had an extensive practise.

This disagreement over the courts, together with other points of conflict, led the assembly in its turn to complain against Governor Dobbs. They directed a set of twenty resolutions against him and petitioned the King for a redress of grievances (1760). Dobbs answered all of these resolutions in detail. Below is the sixth resolution and the Governor's answer:

"That the granting Licenses to persons to practise the Law who are ignorant even of the rudiments of that science is a reproach to Government, Disgrace to the Profession, and greatly injurious to Suitors."

"Answer: The insinuated censure intended by this resolve will, I hope, appear to be undeserved when I acquaint your Lordships that to prevent my being teased to license persons unknown to me, I laid it down as a rule that I never departed from but in two instances, that I would never grant a license to plead either in the Supreme or County Courts until I had either a written or a verbal recommendation from the Chief Justice, which not only eased me of frequent solicitations, but would take off any charge against me if any improper persons were admitted. The only two instances in which I granted licenses without such recommendations were to Col. Ruddick, a lawyer of long standing in Virginia, who had lands on the Northern frontier of this province, and consequently had dealings here, and upon his visiting me at New Bern some time after my

coming into this government, he desired a license from me, which by his long practise in Virginia and possessions in this province, I thought him entitled to, and without any recommendation from the Chief Justice I gave him one. The other instance was a gentleman a long practitioner at Norfolk in Virginia, who had obtained a power of attorney from Governor Tinker to sue for some lands he had a right to by Col. Bladen's daughter, which lay upon the boundary lines between Virginia and this province, he therefore applied to me for a License to finish these affairs, which I thought reasonable and granted it without waiting for the Chief Justice's recommendation, I never swerved from this rule which I laid down for myself in any other instance nay even since the Attorney General, Mr. Childs' arrival he recommended to me Mr. Lucas who came over with him for a license which I refused until I received a recommendation from the Chief Justice, Mr. Berry.”²³

I have quoted this long passage from the Governor's letter because it pictures the whole condition of the Colonial Bar at this period. On the one hand we have a view of the despotic Governor who shields himself behind the usages of custom. On the other hand we feel from his remarks the powerful spirit of the people which was constantly threatening his despotic rule. Even though we take the Governor's defence of himself as strictly true, we nevertheless feel that the jealously watchful eyes of the people alone restrained him from assuming entire control over the Bar. Nor do I mean to make any special criticism against Dobbs. The same is true of the other Governors—Johnston, for instance, with whom Dobbs compared himself as noted above. Where there is smoke there is fire. The people would not have made so many complaints against the methods of licensing lawyers unless the Governor had to some extent misused his power.

In his answer to the next resolution against him, Governor Dobbs gives further light upon the conditions of the day. This resolution, the seventh, condemned him for accepting four “pistoles” as fees for licensing lawyers. He replies, “I must

²³Col. Rec. VI—289-290.

observe that it was constant usage to take a guinea for each license, an exorbitant charge upon the lawyers whose usual retaining fee in Chancery is ten pounds, sterling, instead of three pounds currency as the law allows." Further in his answer he shifts the blame for taking the four pistoles upon his secretary who apparently took them without Dobbs' knowledge. Whoever was to blame, the incident shows again the absolute need of the law of 1760, quoted above.

Passing from the turmoil of the rule of governor Dobbs, we find still greater in that of Governor Tryon. Before entering into an account of these troubles, however, it will be interesting to consider a selection from a letter of Tryon's to the Earl of Shelbourne, written in 1767. The passage which I quote below gives a good summary of the condition of the Colonial Bar in that year:

"There is in this province no other class or distinction of lawyers than that of Attorney at Law. The same person issues a writ, draws and files declarations, pleas, etc., and pleads the cause at the Bar, so that he is at the same time attorney and counsel for his client. None are entitled to act as Lawyers in the Province unless they have taken the degree of Outer Barrister in some of the inns of court in England, or have license from the Governor here, and in fact the last is the most general qualification under which the attorneys in the province act, although there have been some instances to the contrary, yet the general rule in obtaining such license is that the man who intends to apply for it shall have the Chief Justice's recommendation testifying the knowledge and probity of a candidate, and before obtaining such recommendation the Chief Justice did commonly examine the candidates. The recommendation and license obtained in consequence of it doth often restrict the candidates' practice to the inferior courts only, and such must obtain new recommendation and license before they are allowed to practice in the higher courts of judicature. The other and higher kind of license is without limitation, and the party obtaining it may act as attorney and counsel in all the courts of law and as solicitor and counsel in the courts of equity in the

province. These licenses have often been granted during the pleasure of the Governor only, but notwithstanding of this clause it has been determined in our Superior Court upon good deliberation that they ought not to be deprived of the exercise of their profession unless good cause is assigned and proved, since with no propriety it can be called an office, being no more than a license to follow a profession in which every man has the right to employ him or not according to the opinion he entertained of the knowledge and honesty of his lawyer. It is computed that there is about forty-five lawyers who practice in this province. Out of this body the Attorney General is taken commonly, and this officer, within the province, has all the powers, authorities, and trusts that the Attorney and the Solicitor General of England have in that kingdom.”²⁴

From the general tone of this letter we would think that the condition of the Colonial Bar had at last come to an equilibrium; that the members of it were satisfied with it; that the legislative bodies were satisfied with it; and, finally, that the people were satisfied with it. Such was not the case. In the next year, 1768, a struggle broke out which was directed in part at least against the lawyers of the province. This struggle is known as the Regulators Movement.

Space does not allow me to enter into a detailed discussion of this movement. Therefore I shall give as brief an account of it as possible, and quote only those documents which have the more important bearing upon our subject.

In spite of Governor Tryon’s assertion that lawyers were in no sense officials, but were merely professional men, the popular mind of the day classed them as officials in a certain sense. Therefore, the Regulators, who rebelled against what they regarded as excessive taxes and exorbitant fees of court officials, rebelled also against the exorbitant fees of the lawyers. Governor Martin later reported that “the regulator troubles were provoked by the insolence and cruel advantages taken by mercenary, tricky attorneys, clerks, and other little officers, who practiced every

²⁴Col. Rec. VII—485.

sort of rapine and extortion.”²⁵ This statement summarizes the whole story.

These regulators finally became so rebellious that they broke up the superior court at Hillsboro, September, 1770. We have the following record of this:

Saturday, September 22, 1770.

“Several persons stiling themselves Regulators assembled together in the Court Yard under the conduct of Harman Husbands, James Hunter, Redneys Howell, William Butler, Samuel Devinney and many others insulted some of the members of the Gentlemen of the Bar, and in a violent manner went into the Court House, and forcibly carried out some of the attorneys, and in a cruel manner beat them. They then insisted that the Judge (Richard Henderson) should proceed to the Tryal of their leader, who had been indicted at a former Court, and that the Jury should be taken out of their party.

“Therefore the Judge finding it impossible to proceed with honor to himself and Justice to his country, adjourned the Court till morning 10 o'clock, and took advantage of the night and made his escape, and the Court adjourned to Court in Course.”²⁶

The lawyers who were whipped were John Williams and Colonel Edmund Fanning. Of Williams we know nothing further. Fanning has been defended by some historians and biographers, and scathingly condemned by others. It is not my purpose to do either. He was a man of much prominence in the province, a lawyer of extensive practice, and an important court official. That he was exorbitant in his fees and merciless in his methods is established beyond question.

This movement of the western counties was subdued by the best element in the province—the element which later rebelled and won independence. In its number were prominent members of the Bar.

Out of the conflict several petitions were presented and I quote two below as they have an interesting bearing on our discussion, though their influence was more indirect than direct.

²⁵Ashe, *History of N. C.*,—403.

²⁶Col. Rec. VIII—235.

PETITION OF MEN OF ORANGE AND ROWAN COUNTIES TO THE GOVERNOR, COUNCIL AND ASSEMBLY

[In part.] "That we your poor petitioners, now do and long have laboured under many and heavy Exactions, Oppressions, and Enormity committed on us by Court officers, in ever Station: the Source of which our said calamity, we impute to the Countenance and Protection they receive from such of our Lawyers and Clerks as have obtained seats in the House of Representatives, and who intent on making their own fortune, are blind to and solely regardless of their country's interest; are ever planning such schemes, or projecting such laws as may best Effect their wicked purposes—witness the Summons and petition Act, calculated purely to enrich themselves, and Creatures at the expense of the poor Industrious peasant, beside a certain air of confidence, a being a Part of the Legislature gives these Gentlemen, to the perpetration of every kind of Enormity within reach of their respective offices; And seeing Numbers either from Interested views, for the sake of threats, or from other sordid motive, are still so infatuated as to vote for these Gentlemen, whereby to advance them to that important Trust; tho' themselves and their familys sink as a consequence, and seeing these inconsiderate Wretches, involve your poor petitioners together with Thousands of other honest industrious familys in the Common Destruction. We therefore implore your Excellency, your honours, and your worthys in the most supplicative manner, to consider of and pass an Act to prevent and effectually restrain every Lawyer and Clerk whatsoever, from offering themselves as Candidates, at any future Election of Delegates within this Province; and in case any such should be chose, that choice shall be utterly void in the same manner as the Law now allows in case of Sheriffs being elected."²⁷

COMPLAINTS OF PETITIONERS OF ANSON COUNTY

[In part.] "That Lawyers, Clerks, and other pensioners in place of being obsequious Servants for the Country's use were become a nuisance, as the business of the people was often tran-

²⁷Col. Rec. VIII—81-82.

acted without the least degree of fairness, the intention of the law evaded, exorbitant fees extorted, and the sufferers left to mourn under their oppressions.

"That an Attorney should have it in his power, either for the sake of ease or interest, or to gratify his malevolence and spite, to commence suits to what Court he pleases, however inconvenient it may be to the Defendant.

"That unlawful fees should be taken on an Indictment, where the Defendant is acquitted by his Country, however customary it might be.

"That Lawyers, Clerks, and others should extort more fees than was intended by Law."

THEIR PROPOSALS FOR REMEDY

"That all debts above 40s. and under £10 be tried and determined without Lawyers by a jury of six freeholders whose judgment shall be final.

"That Lawyers be effectually barred from exacting and extorting fees."²⁸

In answer to these petitions and in an endeavor to improve existing conditions, for the next few years there was much attempt at corrective legislation, the effort being in part successful. Governor Tryon had already, in 1766, announced that no county court clerk or practicing attorney should be appointed a justice of the peace.²⁹ Now, in 1770, another fee-regulating act was passed, namely:

AN ACT TO ASCERTAIN ATTORNEYS' FEES

I. Whereas it is necessary to ascertain what Fees Attorneys may lawfully take and receive for their trouble in conducting Causes in the respective Courts in this Province:

II. Be it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same, That it shall and may be lawful for each and every Attorney at Law to take and receive from their respective Clients the following Fees, to-wit:

²⁸Col. Rec. VIII—76-79.

²⁹Ashe, History of N. C.—328.

For every action in the Superior Court, except where the Title or Bounds of Land come in Question, the sum of.....	2	10	0
For every such action in any Inferior Court.....	1	5	0
For every real action, or such as respects the titles of Lands	5	0	0
For every Petition for the Recovery of Legacies, filial Portions, or Distributive Shares of Intestates, if in Superior Court.....	3	10	0
If in the Inferior Court.....	1	15	0
For every opinion or advice in Matters Cognizable in the Superior Courts, where no suit is or shall be brought, or prosecuted, or defended by the Attorney giving such advice, but not otherwise	1	0	0
For every opinion or advice in Matters Cognizable in the Inferior Courts, where no suit is or shall be brought or prosecuted, or defended by the Attorney giving such advice, but not otherwise.....	0	10	0

And every Lawyer exacting, taking or demanding any greater Fee, or other Reward, for any of the above Services shall forfeit and pay Fifty Pounds for every offence; one Half to our Sovereign Lord the King towards defraying the Contingent charges of Government, and the other Half to the person who shall sue for the same; to be recovered by an Action of Debt, in any Court of Record in the Province having cognizance thereof.

III. And be it further enacted, by the Authority aforesaid, That the Clerk of each respective Court within this Province is hereby directed, and required to tax in every Bill of Costs, where an Attorney shall have been actually employed by the Party who shall recover, or be otherwise entitled to receive, such Fee as is by this Act allowed, and no more.

IV. And Be it further enacted, That if any Attorney, in any Superior or Inferior Court shall wittingly or willingly

be guilty of any Neglect in any Cause, the Court before whom such Cause shall be depending, on Complaint and Proof thereof made within Six Months after such Neglect, shall have full Power and Authority to order such attorney to pay all costs occasioned by such neglect. And every Bill, Bond, Promise, or other Engagement, of what Denomination soever, for the Payment of any other Larger Fees than before enumerated shall be utterly Void and of no Effect; any Usage to the contrary notwithstanding.

V. Provided nevertheless, That it may be lawful for any Person, after the Determination of his Suit, to make his Lawyer a Larger Compensation for his Trouble, if he thinks he has merited the same; any Thing herein contained to the contrary notwithstanding.^{”30}

A year after the passage of this act another one, providing for further regulation of lawyers, was introduced, but as the Council and Assembly could not agree on its provisions, it failed to pass. Therefore with the above act, legislation in regard to the North Carolina Colonial Bar came to an end. With it ends our account of the history of the Colonial Bar. It would be interesting to go into a detailed account of the part North Carolina lawyers played in the struggle preceding the Revolution and in the war itself; but to do so would require volumes. Everywhere among the patriot leaders we find lawyers in the front. Two of North Carolina’s signers of the Declaration of Independence, for instance, were lawyers—William Hooper of Wilmington, and John Penn, of Williamsboro. On the Committee of Safety, in the Provincial Congress, in the North Carolina troops, and finally among the men who organized the government of the State, we find lawyer after lawyer. It is impossible to give the names of all—for in some cases we are not sure that men supposed to be attorneys were regular practitioners—and it would be unfair to give a partial list. Suffice it to repeat that the Colonial Bar did honor to itself in the Revolutionary period.

³⁰Col. Rec. XXIII—788-789.

In closing I will make one more quotation from the Colonial Records, namely:

"In the matter of complaints against the lawyers of that day, it will be well enough for those of the present day, and for others, to remember generally that while as a rule lawyers have been among the boldest and best patriots and the earliest and most earnest advocates of civil liberty, there is no rule without its exception, and especially that the lawyers of that day were made such by License from the Governor, who received for his own use a fee for every license issued. It must be remembered too, that in those days the principal remuneration of the Chief Justice arose from fees in suits originating and pending before him."³¹

The writer was considering the complaints made by the Regulators, in particular, but his words apply to the whole Colonial Period. As said in the first part of this article, the majority of the records which we possess are of a hostile nature toward the lawyers. There is a continual chain of complaints made against them, and as a result a chain of legislation directed towards their regulation. When we consider the method by which they were licensed, however, we do not wonder that there were many attorneys who darkened the name of their noble profession. On the other hand we know that many of the lawyers of the period were good, honest men, ever caring for the welfare of the community. That they possessed ability in addition is proved by the fact that several of the province's governors were of their number, and that the majority of the attorney-generals and a large number of the judges of all the courts were chosen out of their number. Remembering, then, the prominent part played by the best lawyers in the province and forgetting the misdeeds of those who never attained any great eminence, we must conclude that honor and admiration is due the North Carolina Colonial Bar.

³¹Col. Rec. VIII, Intro. XVIII-XIX.

THE GRANVILLE DISTRICT

BY

E. MERTON COULTER

CONTENTS

INTRODUCTION.

LOCATION—BOUNDARIES—SURVEYS.

GRANVILLE'S SYSTEM—LAND AGENTS.

QUIT RENTS AND THEIR COLLECTION.

ABUSES BY GRANVILLE'S AGENTS.

RIOTS AND DISTURBANCES.

IMMIGRATION INTO DISTRICT.

ENCROACHMENTS AND CONFLICTING CLAIMS.

DISADVANTAGES OF GRANVILLE'S DISTRICT TO THE COLONY.

PURCHASE BY THE CROWN ADVOCATED.

DISTRICT CONFISCATED BY STATE.—ATTEMPTS AT REGAINING IT.

THE GRANVILLE DISTRICT*

In 1663, King Charles II of England granted to eight of his noblemen a large district of land, embracing most of what is now the southern half of the United States. Like most other grants in those days, it extended westward to the vague and unknown "South Seas." The government set up by the Lords Proprietors, as the noblemen were denominated, affected only the Atlantic Seaboard of the present states of North and South Carolina. The form of government they attempted to administer was a grotesque figment of John Locke's imagination. "Locke's Grand Model," as the instrument was called, failed utterly, and so was soon abandoned. A more popular form of government was substituted, but the princely domain from which the Lords Proprietors had hoped to make their fortune proved, nevertheless, a source of endless trouble and vexation to them. It was no less disturbing to the colonists. So, in 1728, the Lords Proprietors, with one exception, sold out their proprietary to the King. The price paid was 2,500 pounds¹ to each of the seven proprietors selling, with a lump sum of 5,000 pounds for all arrears of quit-rents and other rents.² The people of the colony received the news of the sale with unbounded joy, as ushering in a day of deliverance from all their evils.

THE DISTRICT GRANTED

The nobleman who continued to hold his interest in the proprietary was John Lord Carteret, soon afterwards made Earl of Granville. He petitioned the King to be allowed to retain his one-eighth interest in Carolina, as the territory had been named. King George, upon the advice of the Board of Trade and Privy Council, decided that Lord Carteret should be allowed to retain one-eighth of the whole district formerly granted

* This paper was awarded the second prize, given by the North Carolina Society of Colonial Dames of America for research in North Carolina Colonial History by undergraduate students in the University.

¹At this time the English pound was worth \$1.66.

²C. R. Vol. III—37-38.

to the Lords Proprietors. But in so retaining his one-eighth part he was to surrender to the King his claim to the other seven-eighths, and also give up all power of government over the whole proprietary of Carolina. He was to hold his one-eighth share as a feudal seignior of the Crown,—possessing only property rights in the colony, and was relieved of the expense and trouble of governing it. In surrendering the government of it, he relinquished all powers, in the comprehensive language of the grant, "of making laws, calling or holding of assemblies, erecting courts of justice, appointing judges, or justices, pardoning criminals, creating or granting titles of honor, making ports or havens, taking customs on goods laden or unladen, making and erecting counties, forts, castles and cities, or furnishing them with habiliments of war, incorporating cities, boroughs, towns, villages, raising, employing or directing the militia, making war or executing martial law, exercising any of the royal rights of a county palatine, executing any other prerogatives, pre-eminent, rights, jurisdictions, and authorities of, belonging or relating to, the administration of the government of the said one-eighth part of the said province."³

Some of the old ideas of feudal land tenure were adhered to by the King in this grant. In order to impress upon Earl Granville the allegiance he owed to the King as the supreme landlord, George II included the following clause in the indenture: " * * * yielding and paying to his said majesty's heirs and successors the annual rent of one pound, thirteen shillings, and four pence, payable at the Feast of all Saints forever: and also one-fourth part of all gold and silver ore that shall be found within the said one-eighth part of the said premises

* * * ".⁴ This practice of exacting a nominal rent had also been applied in the case of the proprietary government, the Lords Proprietors being required to pay one-fourth part of all gold and silver ore within the limits of their grant and the yearly rent of twenty marks.⁵

³C. R. Vol. IV—662-663.

⁴C. R. Vol. IV—663.

⁵State Records Vol. XI—80-101.

LOCATION—BOUNDARIES—SURVEYS

Although the seven Lords Proprietors sold their share of Carolina to the crown in 1728, there was no definite action taken with regards to Granville's one-eighth part until 1744, when the foregoing conditions were stipulated in the formal grant. Provision was made in this grant for the survey of Granville's share by ten commissioners—five, representing the King, to be appointed by the governors of North and South Carolina jointly or by the governor of North Carolina alone, in case of disagreement, and five to be appointed by Earl Granville.⁶ These commissioners were to decide where the one-eighth part should be laid off, and whether it should be a solid tract or be divided among the three colonies of North Carolina, South Carolina, and Georgia, the latter having also been erected within the proprietary's original boundaries. The commissioners appear to have been influenced by very few considerations for the King, Granville, or the people; for their sole object seems to have been to survey the land in the quickest and easiest way. So they naturally began where one line was pretty definitely established; namely, the boundary between North Carolina and Virginia. Their decision was to survey it all in one tract lying directly south of the Virginia line in the province of North Carolina. According to the report sent to the King, "They did immediately proceed to set out and allot to the said John Lord Carteret one full-eighth part of the province of Carolina in one entire separate district in the province of North Carolina next adjoining and contiguous to the province of Virginia * * * and so west as far as the bounds of the charter granted to the Lords Proprietors of Carolina by His Majesty King Charles II."⁷

The commissioners selected to run the southern boundary of the district began to survey the line in the winter of 1743-44, beginning on Hatteras Island at $35^{\circ} 34'$ N. Latitude, which was to bound the district on the South. They were soon so obstructed by the swamps and morasses that they ran the line

⁶C. R. Vol. IV—659-660.

⁷C. R. Vol. IV—660.

only to the town of Bath. In the spring of 1746 the line was taken up at Bath and was carried westward to the Haw River, passing through the present towns of Snow Hill, Princeton, and Smithfield.⁸ Here the survey was stopped because of the country "being very thinly peopled, nor can we be supplied either with corn for the horses or provisions for ourselves and those employed by us, there being no inhabitants that can assist us to the west of Saxapahaw River."⁹ In the following October the boundary was pushed to Rocky River, which marked the end of the line up to 1766. The surveys and distances were as follows: From Hatteras Island to Bonner's Field (near Bath), 90 miles; thence to Haw River, 104 miles; continuing to Rocky River, 87 miles.¹⁰ The line was finally run to the Blue Ridge Mountains by Governor Martin in 1774.¹¹

This immense tract of land, at least sixty miles wide, lying between $36^{\circ} 30'$ and $35^{\circ} 34'$ N. Latitude, was bounded on the east by the Atlantic Ocean and on the west, according to the language of the grant, by the "South Seas." It embraced at least one-half of the province of North Carolina, the lower boundary line running along the southern borders of Chatham, Randolph, Davidson, and Rowan Counties, a little below Catawba County, and on westward.¹² This territory came to be known as the "Granville District" and proved to be a source of endless trouble and vexation to the inhabitants and a serious menace to the welfare of the whole province. Earl Granville referred in his titles to this district in the following way: "The sole Lord or Proprietor of a certain District, Territory or Parcel of land, lying next to the province of North Carolina in America." This tract owned by Earl Granville was the better part of the province. The land was much more fertile, it was the first first settled, and two-thirds of the people lived within its bounds.¹³

⁸C. R. Vol. VII—156-157.

⁹C. R. Vol. IV—X-XI.

¹⁰C. R. Vol. VII—156-157.

¹¹Ashe's History of North Carolina, 724 (map).

¹²C. R. Vol. V pp. LIV et seq.

¹³Williamson's History of North Carolina, p. 105.

GRANVILLE'S SYSTEM—LAND AGENTS

Earl Granville thus owned and controlled the better part of the province. In his power lay the welfare of the whole colony to a large extent. He, alone, determined the policy he would pursue concerning his possessions. He was a virtual ruler of the people of his district in those things that touched them closest, property rights. He indeed had no power of appointing governors, but the people cared very little who was governor as long as they were not disturbed in the possession of their lands. Earl Granville set up a territorial system of land tenure over which neither the crown nor the colony had any control. The assembly's authority was thus virtually nullified in the most prosperous part of the province in matters pertaining to land-holding and this district contained two-thirds of the people. The land was held by the tenants in fee simple, with a certain fixed quit-rent to be paid annually. A fee was charged for making entries of lands.

To administer his rents, and to look after his interests in general, Earl Granville appointed land agents, very often two, who worked conjointly, or the one alone, when the other should be out of the colony or should die. He also had a surveyor, deputy surveyors, entry takers, and many other inferior officers. He established a land office in Edenton, but appears never to have thought it worth while to establish one farther west as the district grew in population westward. His agents proved on the whole to be very dishonest and inefficient men. They were paid in such a way as to presumably increase their efficiency, for Earl Granville at least; but, in fact, the system led them into exacting exorbitant rents from the tenants. Up to 1752 the agents were paid 10 per cent. of all they should collect and 10 per cent. of all they should remit to Earl Granville. This led them into dishonest dealings both with the Earl and with the people. So, in order to lessen the abuses, the Earl changed their payment to 5 per cent. of all monies and produce received and 5 per cent. of all remitted, with a salary of 200 pounds sterling to each agent.¹⁴

¹⁴Williamson's History of North Carolina, 105-106.

QUIT RENTS AND THEIR COLLECTION

The collection of quit rents caused endless disturbances in the district. There was no system whatever. Rent laws were lacking or wholly inadequate. The agents were dishonest. According to a set of general instructions, issued by Earl Granville, his agents were to charge four shillings proclamation money, or three shillings sterling for every hundred acres let to tenants.¹⁵ In some cases, the products of the land were received in lieu of money. Tables of fees and rents, sent over by Earl Granville, were never made public by his agents. Records of grants and entries were carelessly kept. Frequent changes in agent added only to the confusion, as the books were always left in a very incomplete condition. One very serious drawback to the efficient handling of quit rents was the lack of a rent roll giving the names of all the tenants and the amounts of land held by each. Owing to the general confusion, many people moved into the district and took up lands without making entries for them. Numerous laws were passed directing the compilation of a rent roll. By these laws the people who had taken up lands without having made entries for them were allowed to retain their lands provided they registered their claims within twelve months.¹⁶ The question of providing an effectual rent roll was constantly discussed in the Assembly. To keep the rent rolls as complete as possible an act was passed by the Assembly in 1748 requiring all transferences of land, either by sale or will, to be registered in the Court House of the county in which the land lay, or in the land office at Edenton. One great hindrance to making a complete rent roll was Earl Granville's half-hearted co-operation and direct refusal, in some cases, to bear his part of the expense of compiling one.¹⁷

But the colony seems never to have got a satisfactory rent roll or rent laws; for in 1771, Governor Tryon was begging the Assembly to pass laws that would be as effective as the ones that Virginia had. But, significantly enough, the bills were killed in the Assembly through the opposition of the representatives

¹⁵C. R. Vol. VI—441-445.

¹⁶Martin's History of North Carolina, p. 52.

¹⁷C. R. Vol. V—415.

from the Granville district, "who apparently had no interest in the event."¹⁸ To facilitate the settlement of the province and to collect the back rents, Governor Martin, in 1773, recommended that a rent law be passed remitting all back rents beyond 1771, provided the tenants would register their lands.¹⁹ The reciprocal benefits were extended to the Granville District since it contained, in Governor Martin's opinion, the most valuable part of the province not yet granted. "Inhabitants of this country," he wrote to Lord Dartmouth, "look with greatest avidity toward the territory of Earl Granville, which comprehends almost, if not all, the valuable lands in this province at this day ungranted."²⁰

The failure to collect arrears of quit rents was a frequent subject of complaint by the governors. Governor Johnston, in 1750, was 12,000 pounds behind on his salary because Earl Granville received more than half of the quit rents of the province; and the quit rents due to the crown could not be collected.²¹ A stringent act was passed in 1754, applying to Granville's District also, which authorized the sheriff of the county to seize slaves, goods, or chattels, and sell them within five days for arrears of quit rents.²² In 1749, however, the payment of quit rents had been made easier by a provision making receivable inspectors notes for tobacco at one penny a pound, or for indigo at four shillings a pound, proclamation money.²³

ABUSES BY GRANVILLE'S AGENTS

The system Earl Granville set up worked without very much friction for the first decade. While this great private project was yet young the Earl showed considerable interest in it. But he was soon busied with the intrigues of home politics, leaving his immense estate in the hands of his agents to do with much as they liked. Being for the most part dishonest men, and unrestrained by any watchful authority, they soon began to exact excessive fees from the tenants, and to collect outrageous quit

¹⁸C. R. Vol. VIII—524.

¹⁹C. R. Vol. IX—671-672.

²⁰Ebid. Vol. IX—671-672.

²¹C. R. Vol. IV—1088.

²²State Records Vol. XXV—308.

²³State Reports Vol. XXIII—310.

rents. Their systematic pillage of the tenants became a great menace to the welfare of the province and made the existence of the Granville District the most dangerous and disturbing force in colonial North Carolina. Within a decade after Granville received his share of Carolina an investigating committee, appointed by the Assembly, reported the district a nuisance and a hindrance to the well-being of the colony.²⁴

The exactions of the agents became so flagrant and unbearable that, in 1758, numerous citizens of the district petitioned the Assembly to redress their grievances. As a result a joint Committee was appointed by the two houses of the Assembly with powers to summon persons and to produce papers.²⁵ The committee made a conservative report in which they said that no larger fees had been charged by the agent than Earl Granville's instructions called for. They most probably came to this conclusion, however, because, "they finding it worse for their interest to make up matters for Corbin against whom the greatest charge was laid, they changed sides for a valuable consideration and by the report of the committee, they had no redress."²⁶

But they discovered a host of irregularities that attest the resourcefulness of the agents. A very frequent practice was to grant the same tract of land to as many as three different persons, and charge a fee for each entry. The case of one Arthur Moore is produced, in which Moore entered a tract of land and paid the entry fee to the agent, Francis Corbin. Moore was to have it surveyed within twelve months and then return to get the deed. Having complied with the conditions, he returned for his deed. Upon investigation Corbin found that one Becton already possessed a deed for the land; so he refused to grant a deed to Moore and refused also to return the entry fee. In the meantime, Becton sued Moore in ejectment and, upon producing his deed, got judgment against him, and had him imprisoned two months until he could pay the costs of the suit. Moore had paid for surveying the lands three pounds

²⁴C. R. Vol. V pp. LIV et seq.

²⁵C. R. Vol. V—1015-1016.

²⁶C. R. Vol. VI—294.

nineteen shillings and ten pence, to the same surveyor who had previously surveyed it for Becton. In many cases an entry would be made under one agent but before the survey could be made and the deed obtained the agent would be succeeded by another, who would grant the land to some one else, charging, of course, an additional fee. Another case of abuse was produced, in which a man who wanted lands already taken up, bribed the sheriff to change the name in the entry book and issue a deed to him accordingly.²⁷ The agents used another particularly clever scheme to defraud the tenants. Many of the patents for land were signed merely "Granville, by his attorneys * * * ." The agents claimed these patents were defective and totally invalid, since the Earl's title of honor had been omitted. They claimed all patents must be signed "The Right Honorable Earl Granville, by his attorneys * * ." In this way they played upon the ignorance of large numbers of tenants so as to frighten them into making new entries, for which, fees, sometimes double those prescribed, were charged.²⁸ The regular fee for making an entry was one pistole.²⁹ About four pounds were charged for using a certain kind of cipher, "Which without authority, they were pleased to affix to a warrant of survey."³⁰

The agents were equally as dishonest to Earl Granville as they were to the people. They kept back large amounts of fees beyond their prescribed per centum and salary. One agent upon going out of office, counselled his successor to remember the proverb of the new broom and not remit too much to the Earl for the first few years, as equal amounts would be expected in the future. And, furthermore, the former agent might be apprehended.³¹ The agents were banded together to defraud everyone in their way. Complaints of tenants became more frequent. The Assembly remonstrated with Granville, but to no effect, since it could pass no laws touching its agents. Complaints from both the Assembly and the tenants grew so

²⁷C. R. Vol. V—1088-1094.

²⁸Williamson's History of North Carolina, 106-107.

²⁹A pistole was equivalent to one English pound.

³⁰Williamson's History of N. C. 107.

³¹Ebd 108.

frequent that Earl Granville became interested enough to write to his agent, Francis Corbin, in 1756, as follows: "Great and frequent complaints are transmitted to me of those persons you employ to receive entries and make surveys in the back counties. It is their extortions and not the regular fees of office which is the cause of clamor from my tenants. Insinuations are made, too, as if those extortions were connived at by my agents; for otherwise, it is said they could not be committed so repeatedly or so barefacedly."³²

Thomas Child, Attorney General of the colony, and Francis Corbin, were joint agents for Earl Granville during a number of years. They carried on a most subtle system of thievery and corruption, both with the people and with Earl Granville. Child was the master mind in the affair. When he went to England to better carry out his system, he appointed Colonel Innes to the lucrative land agency for a valuable annual consideration. Child wormed himself into the close confidence and favor of the Earl and represented to him the dishonesty of his agents. Whereupon, Granville took all the fees and put his agents on a salary basis. Being betrayed in this way, Innes refused to pay his annual stipulation to Child, whereupon the latter adroitly stopped the remittances before they reached Granville and took what he wanted. With Earl Granville's permission Child now turned Colonel Innes out of office and promptly sold the agency to Wheatly, a naval officer, for 1000 pounds. Earl Granville about this time sent over a table of fees to be made public. Child advised Corbin not to publish the table and to charge the delinquency to Wheatly. This was done, and consequently Wheatly was dismissed. Child now had Bodily appointed "from whom he got about 2000 pounds and other presents of great value." Earl Granville at last instructed Child to call Corbin, his accomplice in North Carolina, to account. Child advised him secretly not to account. In this way strife would be stirred up between Granville and his agents and Child would consequently be sent over to adjust the difficulties. Just such dishonesty pervaded Earl Granville's entire system.³³

³²Williamson's History of North Carolina, 205.
³³C. R. Vol. VI—292-296.

RIOTS AND DISTURBANCES

When Francis Corbin did produce his table of fees the people readily accumulated a great amount of evidence of abuses by the agents—especially by one Haywood. Upon Haywood's refusal to return any of the illegal rents that had been exacted the ferment of the people increased. They had Haywood arrested and speedily brought to trial. During the trial he went home, where he suddenly died, and was secretly buried. When the prosecutors heard of this they believed it to be a false report inspired by Haywood. In their rage they went in a large body to his home, dug up the grave, and tore open the coffin. On finding the corpse they left satisfied.³⁴

The people were by this time in no pleasant mood. They could obtain no redress nor could they get back any of the illegal rents that had been taken from them. The fees in Earl Granville's estate were double and sometimes triple the fees paid in the crown lands. And to aggravate conditions further, Granville's agents refused to receive payments in anything except gold and silver.³⁵ Unable to bear the abuses any longer and despairing of obtaining a redress of their grievances, a body of men, some say twenty, gathered from Edgecombe and Granville counties in the early winter of 1759, armed and mounted, and rode to Corbin's house near Edenton. Although they reached his house in the dead of night, they forced him to accompany them immediately seventy or eighty miles to Enfield.³⁶ Here they held him for some days until he could give bond with eight sureties, by which under penalty of 8,000 pounds, he promised to produce his books within three weeks and return all the money above the regular fees.

A few months after this riot the magistrates of Halifax county failed to nominate a sheriff. The governor proceeded to appoint one of the most active of the rioters and, as a consequence, the Assembly was unable to prevail on the sheriff to carry out prosecutions against the rioters. Members of the Assembly accused Governor Dobbs of being in league with them.

³⁴C. R. VI—294-294.

³⁵C. R. Vol. V—645.

³⁶C. R. Vol. VI—295.

The governor stoutly denied it and brought the charge that the Assembly had been favorable toward them. For some time the district remained in turmoil and confusion. The Attorney-General of the colony, Robin Jones, refused to prosecute the rioters through fear. He had agreed with Francis Corbin, for a large consideration, to be his counsel against the rioters. When the rioters heard of this they threatened dire vengeance and destruction on Jones, and forbade him to plead in the General or County Courts, "and frightened him so that he always carried pocket pistols about him."³⁷ The rioters also threatened "to pull him by the nose and also to abuse the court."³⁸

The troubles became so serious that in May, 1759, the Assembly passed the following resolution: "This house has resolved that a reward of twenty-five pounds be paid out of the public treasury by a warrant from his Excellency the Governor, to each of the two persons who shall first make a full discovery on oath to the Chief Justice or Attorney-General, of the principal persons who have been concerned in the late riots, combinations and traiterous conspiracies, in that part of the province within the Right Honorable Earl Granville's Proprietary on the condition of any of the said offences. To which (they) desire your Honor's concurrence."³⁹ Attorney-General Jones demanded of the Governor that the rioters be punished. He affirmed that unless they were, there would be no safety or peace in the country. Francis Corbin now, instead of producing the books and remitting illegal fees, brought suit against four of the rioters, who upon refusing to give bail were thrown into prison at Enfield. The next day a large mob of people from the surrounding country broke open the jail and released the prisoners. These rioters came from the district included in the present counties of Halifax, Nash, and Wilson. After these disturbances Corbin took flight and ordered the prosecution stopped. He knew he had done wrong things he could not justify; and Child thought the fault would be laid at Earl Granville's land office.⁴⁰

The Assembly was bitter against the rioters and laid much of

³⁷C. R. 295.

³⁸C. R. Vol. VIII-IX.

³⁹C. R. Vol. VI—94.

⁴⁰C. R. Vol. VI—297.

the trouble at the door of the governor. In 1760 they passed a resolution: "That though the governor was addressed by the Assembly in June last to take necessary measures to suppress the several mobs and insurrections which for many months, in violation of all law, have with impunity assembled in great numbers in different counties, erected show jurisdictions, and restrained men of their liberty, broke open gaols, released malefactors, dug up the dead from the grave, and committed other acts of rapine and violence, no effectual steps have been taken to check the torrent of their licentious extravagances notwithstanding their having repeated those outrages."⁴¹ The Assembly charged the Governor with preferring rioters to the magistracy and militia over just and honorable men "whereby magistracy has fallen into disgrace, courts have lost their influence, and government its dignity, and life, liberty, and property is rendered precarious."⁴² This reign of lawlessness was never sternly repressed. Conditions remained more or less unsettled until the Revolution. A few years later the conditions in the province were characterized in this way:

"For some years past this province has been running into great disorder and confusion. There is nothing like the administration of justice among us. (On account of) a silly fellow, that headed a mob against the Earl of Granville, his land office is put into the commission of the peace."⁴³ The famous Regulator troubles were the outgrowth and culmination of the Enfield riots and Granville Country disturbances. "Halifax and Granville," said Herman Husband, the leader of the Regulators, "were deeply engaged in the same quarrel years before Orange."⁴⁴

IMMIGRATION INTO DISTRICT

As has been mentioned before, Earl Granville showed some real interest in his Carolina estate for the first decade of its existence. He attempted to develop it and make not only a fortune from it, but also to create a thriving class of tenants. He induced the best immigrants to settle in his district. Large

⁴¹C. R. Vol. VI—292.

⁴²C. R. Vol. VI—292.

⁴³C. R. Vol. VI—234.

⁴⁴Swain's War of the Regulation.

numbers of immigrants from Pennsylvania, Maryland, and Virginia settled the northern and western portions of his territory. The land was cheap and also easy to obtain at this time. In Pennsylvania land was so dear that very few immigrants could settle there; and in Virginia laws against religious liberty were very unattractive and objectionable. Many people from these colonies and also many from Ireland, coming by way of these colonies, finally settled in Granville's District.⁴⁵ Another very substantial and law-abiding people that came to Granville's District were the Moravians. Earl Granville, through his influence as Secretary of State of Great Britain, induced them to settle in his estate. Bishop Spangenberg bought for the Moravians in 1753 approximately 100,000 acres of land lying between the Dan and Yadkin Rivers,⁴⁶ now included in Forsyth County. The Moravians were to pay an annual rent to Earl Granville or his heirs.⁴⁷

ENCROACHMENTS AND CONFLICTING CLAIMS

Later grants were very much harder to obtain and in fact impossible after 1766, when the land office was closed through neglect. The people who came in, consequently, settled down wherever they pleased and paid quit rents and allegiance to no one.⁴⁸ It was just such conditions that led Richard Henderson to attempt to set up the colony of Transylvania. This large tract of land consisted of more than 35,000,000 acres, lying beyond the Blue Ridge mountains, in what is now Tennessee and Kentucky. A large part of it was included in the Granville District. Henderson, however, asked Granville nothing; but leased the land from the Indians for 999 years. Large numbers of tenants from Granville's District east of the Blue Ridge, also many tenants of the Crown, were induced to settle there. The project threatened to seriously interfere with the prosperity of Granville's estate and with the whole colony. The settlers acknowledged no authority of Earl Granville or of the governor of North Carolina, and, of course, refused to enter

⁴⁵ Williamson's History of North Carolina.

⁴⁶ Martin's History of North Carolina, 57.

⁴⁷ C. R. Vol. V—1146.

⁴⁸ C. R. Vol. VIII—195.

their lands and pay quit rents.⁴⁹ Governor Martin in February, 1775, issued a proclamation against Henderson, forewarning the people to obstruct him in his attempts to form a colony. "This daring, unjust and unwarrantable proceeding," said Governor Martin, "is of most alarming and dangerous tendency to the people and welfare of this and the neighboring colony."⁵⁰ "Such a colony of freebooters," he believed, "cannot but be a most dangerous tendency to the public interest."⁵¹

Earl Granville was troubled not only by the encroachments of Richard Henderson but he came in conflict also with Henry McCulloh. In 1737 the King of England had granted to McCulloh 1,200,000 acres of land in the province of North Carolina with the proviso that he should settle one person to every 200 acres within the following ten years.⁵² As this grant was made prior to the laying off of Granville's share, much land comprehended in it was afterwards included in Granville's grant. At least 475,000 acres fell within Granville's share. These overlapping boundaries caused endless trouble. McCulloh was continually complaining that Granville's land agents intimidated his tenants and collected rents from them.⁵³ He also charged the agents with granting his lands to tenants and keeping the fees. These disturbances, retarding the development of the district, continued until 1755, when Granville and McCulloh came to an agreement. Granville promised to surrender all rights and privileges he held from the King respecting the territory in question; and he authorized his agents to abide by the agreement.⁵⁴ In return McCulloh was to pay annually to Granville, from 1757 to 1760, the sum of 400 pounds in lieu of quit rents. McCulloh agreed to pay after 1760 the regular rate of quit rents: namely, four shillings proclamation money or three shillings sterling, for every 100 acres. He was also required to register in Earl Granville's land office, within twelve months, all grants of land made in this territory. The foregoing agreement was to hold provided he should give up to Granville all

⁴⁹C. R. Vol. X—246.

⁵⁰C. R. Vol. IX—1123-1124.

⁵¹C. R. Vol. X—273.

⁵²C. R. Vol. IX—104, Vol. V—569-573.

⁵³C. R. Vol. IX—104.

⁵⁴C. R. Vol. V—78-79.

lands after a fixed time, which had not an average of one settler to the 200 acres.⁵⁵ This agreement did not end the troubles, for some years later McCulloh brought suit against Francis Corbin, Granville's land agent, for 8,000 pounds which amount he claimed equalled the rents illegally collected by Corbin. He claimed Corbin had "with wicked and avaricious intentions" intimidated persons settled on the McCulloh tract and had also admitted entries and passed grants of this territory.⁵⁶

Earl Granville also came in contact with the remnants of the Tuscarora and Meherrin Indians occupying 10,000 acres⁵⁷ of his district, on the east bank of the Roanoke River. No quit rents, of course, could be collected from them. But, in 1767, one hundred and fifty of them were removed "to the Six Nations on the Susquehanna River, leaving a remnant of 104 men, women, and children occupying about one-half the tract allotted to them in 1748 by the Assembly."⁵⁸ The land left vacant by them was now open to settlement; and quit rents might now be collected from the tenants who moved in.

DISADVANTAGES OF GRANVILLE'S DISTRICT TO THE COLONY

As stated before, the Granville District proved to be a great burden to the people of North Carolina. This came about in many ways. The granting of this district set up within the province an outside authority which, in most things, could not be controlled by the Assembly of the colony. On account of defective surveys, and many times because of no surveys at all, boundary disputes were constantly arising between Granville's agents and the governor and his agents. In 1760 Francis Corbin wrote Granville charging Governor Dobbs with granting lands belonging to Earl Granville. The Earl immediately demanded of Dobbs that he cancel the grants. The governor claimed he had granted no lands belonging to Granville and at once dismissed Corbin from the Assistant Judgeship and from his position as Colonel of the Chowan Regiment. Upon investigation it was found that both were guilty of making grants of

⁵⁵C. R. Vol. V—624-626.

⁵⁶C. R. Vol. V—780.

⁵⁷C. R. Vol. VI—616.

⁵⁸C. R. Vol. VII—431.

land belonging to the other.⁵⁹ A few years later Governor Dobbs claimed that Earl Granville had encroached upon the King's land at least nine miles by running the boundary line in Latitude $35^{\circ} 26'$ instead of $35^{\circ} 34'$.⁶⁰ Just such disputes and disturbances had of necessity to arise, because of the mere existence of the separate tract of land. Such uncertainties of boundary lines led naturally to unsettled conditions. Many people came in and settled down without taking out grants, as they did not know in whose part they might fall. Others who took out grants refused to pay rents either to the Crown or to the Earl, as both claimed the territory. Such conditions made impossible the development of a law-abiding population.

Certain boundary troubles also existed with Virginia along the western borders of the district. The settlement of the land near the boundary was greatly retarded, as the people did not know whether they would fall within North Carolina or Virginia.⁶¹ But in 1749, the boundary was surveyed to the mountains, "where they (surveyors) crossed a large branch of the Mississippi which runs between the edges of the mountains and of which nobody ever dreamed."⁶² All these boundary disputes, troubles, and disturbances, incident to Granville's retention of an eighth of the old proprietary grant were evils from which the other colonies were largely free.

The presence of this district had a serious effect on the financial conditions of the provincial government. A large part of the colonial revenues came from quit rents. At least two-thirds of the quit-rents of this province went direct to Earl Granville, who spent nothing toward governing the colony. One paltry third of the quit rents thus went to the government of North Carolina. Hence one-third of the people, those living within the lower and poorer half, paid the greater part of the costs of maintaining the provincial government. It is no wonder that we find the governor complaining that the colony has no money, that he is 12,000 pounds behind on his salary and that the quit rents due the crown cannot be collected.⁶³ It was,

⁵⁹C. R. Vol. VI—298-300.

⁶⁰C. R. Vol. IX—1243-1244.

⁶¹C. R. Vol. IV—1047.

⁶²C. R. Vol. IV—1047.

⁶³C. R. Vol. IV—1088.

no doubt, discouraging to the people living on the crown lands, to pay their rents to the provincial government, and see the fees and rents from the fertile northern section go into the coffers of Earl Granville or be absorbed by his dishonest agents. This dual system divided the interests of the colony. The province did not exist as a unit. The northern inhabitants did not have the same attitude toward the governors that the southern inhabitants had. They paid their rents direct to Granville's agents, and were thereby removed from the most frequent causes of disputes with the governors and their agents. The governor could require of them nothing in which they would have the least interest or motive in opposing him. Consequently we never find the northern inhabitants, until the Regulator troubles, arrayed against the governor. Their great troubles lay with Granville's agents. If we are to believe the charges made by the Assembly directly after the Enfield riots, the governor was especially friendly to the northern inhabitants and preferred them in office. The inhabitants of the Granville District occupied a rather anomalous position. In writing to the home government in 1773 Governor Martin complains of the Granville District, that it creates and widens a division in the state and that it had a disastrous effect on politics.⁶⁴

John Lord Carteret died in 1763 and was succeeded in his title of Earl of Granville by his eldest son, who showed no interest whatever in the district he inherited in North Carolina. His utter neglect added to the disastrous effects his district was already producing. He allowed his land office to remain closed for many years. It was extremely difficult to get a hearing from him on the most important matters.⁶⁵ Large numbers of people desired to settle in his district, but they were unable to get grants of land. The best and most substantial of them turned away for other colonies; while the shiftless and vicious, who had no permanent interests anywhere, came in and took up lands wherever they desired. When there was any possibility of trouble or disturbance of any kind, they were generally found in the forefront, as they had nothing to lose and perhaps some-

⁶⁴C. R. Vol. VII—642-644.

⁶⁵C. R. Vol. IX—990.

thing to gain. The spirit of the Regulators found its beginning in those people who came in and settled down without receiving grants or paying rents, and who, when rents were demanded, resisted. Governor Martin wrote Lord Dartmouth in 1772 that in Granville's District "there was not wanting evidence of most extravagant licentiousness and criminal violence on the part of the wretched people."⁶⁶ Such wickedness, he said, would naturally terminate in bloodshed, and that this disorderly spirit could never be extinguished as long as Earl Granville held the land. "It is profitless to the proprietor," he continues, "and a nuisance to the colony, by affording an asylum to outcasts and fugitives of other provinces who set down on the land anywhere, communicating their vices and corruptions to the other inhabitants, whose barbarous ignorance makes them but too obnoxious to the baneful contagion." He believed the district was an evil growing daily more alarming. According to his opinion the only remedy lay in the better care of the proprietary, or its sale to the King.

Earl Granville was finally prevailed upon to show enough interest to appoint an agent. So, in 1773, he chose Governor Martin to act as his agent.⁶⁷ By this time the inhabitants of the district had become so restive that it appeared impossible to quiet them as long as the land remained in Earl Granville's hands. Under Granville's rule the inhabitants often resorted to force when they thought it necessary, but they were methodical in its use. They believed that "the doctrine of non-resistance against arbitrary power and oppression was absurd, slavish, and destructive of the good and happiness of mankind."⁶⁸

PURCHASE BY CROWN ADVOCATED

Shortly before the Revolution the provincial Assembly appointed a committee of five to inquire into the settlement of Granville's land, and to propose plans for quieting the inhabitants in possession of it.⁶⁹ But nothing came of this action. The assembly soon came to believe that the only way to put an end

⁶⁶C. R. Vol. IX—357-359.

⁶⁷C. R. Vol. IX—683.

⁶⁸C. R. Vol. IX p. XI.

⁶⁹Ibid 530.

to the troubles of the Granville District lay in its purchase by the Crown. In pursuance of this idea the Assembly petitioned the Crown, in 1773, to buy Granville's part of the province, "as Earl Granville's office has been closed for several years past to the great inconvenience and grievance of the inhabitants of his territory in this province."⁷⁰ As early, however, as 1767, Governor Tryon in writing to the Earl of Shelburne, strongly advocated the purchase of the district by the Crown. In this course he saw a cure for most of the evils besetting the colony at that time. It would treble the value of quit rents coming to the Crown and would facilitate the passage of better laws for the collection of rents, he thought. In his opinion the inhabitants of the district, although they wanted the land very bad, dreaded the opening of a land office, "because of the many impositions and abuses they have suffered by former agents, and from the many disturbances and law suits that have arose from the irregularities in the office when it has been open." He believed that 60,000 pounds sterling, the amount asked for the district by Granville, would be a cheap price to pay for it. He characterized it as "certainly the most rising interest on the Continent of America." He said it contained a vast majority of the white inhabitants of the colony and embraced thirteen entire counties," the two western-most of which contain a tract of land more than ten times the contents of Rhode Island Colony, Orange County being nearly sixty miles square, and Rowan County about sixty miles wide and 150 miles from east to west, running to the Blue Ridge of Mountains."⁷¹

When Martin became governor, he believed, like Tryon, that the King should purchase the district, which was the cause of so much trouble. The rents are inadequate, he writes to the Earl of Hillsborough, to support the "provincial civil list with which it is chargeable." He thinks the district would soon grow, for the climate is healthful, the land is fertile, and the people will flock there when they know they can get good titles.⁷² The Earl of Hillsborough in replying, said: "The little attention shown by Earl Granville to his proprietary rights in North

⁷⁰C. R. Vol. XX—589.

⁷¹C. R. Vol. VII—513.

⁷²C. R. Vol. IX—357-359.

Carolina is certainly both a prejudice to himself and to the public, and your suggestion of the expediency and advantage that would arise to the Crown from a purchase of those rights entirely correspond with my own sentiments."⁷³ When the inhabitants learned that the district was likely to be sold, they knew the day of reckoning would come, when the arrears of quit rents would be insisted upon. They were very clamorous that it pass not into private hands.⁷⁴ But they were willing to come under the Crown, since they knew, in that event, the arrears would not be insisted upon. In writing to the home government again, Governor Martin says, "The Proprietary right of Earl Granville in the heart of this province, I learn from all hands, My Lord, to be a very principal cause of the discontents that have so long prevailed in this country * * * It seems here a universally acknowledged principal that this country will never enjoy perfect peace, until that proprietary, which erects a kind of interest in its bowels, is vested in the Crown."⁷⁵

DISTRICT CONFISCATED BY STATE.—ATTEMPTS AT REGAINING IT

Earl Granville was undoubtedly on the verge of selling out his district to the King when the Revolution came and swept away all his claims to his broad Carolina estates. The people now set up a different system of land tenure in which none of the troublesome quit rents existed. By an act of the General Assembly in 1782 Granville's immense estates were confiscated. His old papers and books were collected and preserved as valuable to the northern settlers.⁷⁶ But the Granville heirs did not propose to lose their broad lands in North Carolina without at least a struggle. In 1784, they presented their claims to the United States Minister at Paris and demanded a restitution of their lands. They denied the titles to the land of many of the inhabitants of the northern part of the state and, some years later, brought suit in the United States Circuit Court at Raleigh to regain the district. On losing here, they appealed to the United States Supreme Court, where they engaged Francis

⁷³C. R. Vol. IX—276.

⁷⁴Ibid 261-262.

⁷⁵Ibid 49.

⁷⁶State Reports Vol. XIX—230.

S. Key as their counsel. But Key died soon afterwards (in 1809) and the case was dropped for want of an appeal bond. Had the case ever come to a final decision it would likely have been decided against North Carolina, as Chief Justice Marshall had expressed the opinion that the Treaty of Paris prohibited a state from invalidating English titles.

According to Article V⁷⁷ of the Treaty of Paris, as interpreted by the Supreme Court,⁷⁸ North Carolina was under obligation to restore the land. For a time great uneasiness was felt throughout the state. It is impossible to say what might have happened had the Courts ordered North Carolina to restore the land.⁷⁸ But luckily for the state, the night-mare of her colonial existence was not to harrass her in her statehood. The greatest hindrance to the colony of North Carolina was finally removed.⁷⁹

⁷⁷"It is agreed that the Congress shall earnestly recommend it to the legislature of the respective states, to provide for the restitution of all estates, rights and properties which have been confiscated, belonging to real British subjects and also of the estates, rights, and properties of persons resident in districts in the possession of His Majesty's armies, and who have not borne arms against the said United States."

⁷⁸Ware vs. Hylton 3 Dallas 199.

⁷⁹Moore's History of North Carolina Vol. I—456.

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CONTENTS

THE HARRINGTON LETTERS

CHAPEL HILL, N. C.
PUBLISHED BY THE UNIVERSITY
1914

2
DURHAM, N. C.
THE SEEMAN PRINTERY
1914

THE HARRINGTON LETTERS

BY

H. M. WAGSTAFF

4

INTRODUCTORY NOTE

Herewith are presented certain letters of the Harrington family which were made available by the courtesy of Mr. William Weldon Huske, of Fayetteville, a descendant of General Henry William Harrington, of Revolutionary fame. It is thought by the editor that this collection all but completes the extant manuscript records of the Harrington family up to 1815, and particularly those of General Harrington himself up to his death in 1809. A mass of references and a large amount of his correspondence appears in the North Carolina State Records (Volumes 13 to 24 inclusive). Likewise Alexander Gregg, in his "History of the Old Cheraws" makes acknowledgement (note, page 105) to Col. H. W. Harrington (son of General Harrington) for valuable manuscripts from his father's collection illustrative of his public service and the Revolutionary history of the PeeDee country. Nearly half a hundred of his letters, to or from General Gates, Governor Richard Caswell, Colonel Marion, John Penn, Alexander Martin, and others, are published by Gregg. These, together with the matter in the State Records concerning Harrington make a fairly complete summary of the Revolutionary services of this patriot and gentleman of the early days of our republic. Gregg notes that the private journal and a large part of the other papers of General Harrington were destroyed by the Tories in a pillage of his home during the Revolution. The few letters by him and to him in the present collection are, for the most part, personal, and written after the Revolutionary epoch.

Henry William Harrington, the younger son of a London gentleman, emigrated from England to the West Indies, and, after remaining in Jamaica a short time, came to South Carolina and settled on the PeeDee River, near Cheraw, in a district known as Welch's Neck. It is not definitely known what year he settled there; but while a resident of South Carolina he married Rosanna Auld, daughter of Major James

Auld, of Anson County, North Carolina. This marriage was contracted shortly before the Revolution, and from it were born in time five children in the order named: Rosanna, James Auld, Harriet, Henry William, and Carolina, all of whom are subjects of mention in the following letters. As the Revolution approached Harrington was sheriff of the Cheraw District and on August 3rd 1775, was commissioned by the South Carolina Council of Safety a captain of a volunteer company of militia in St. David's Parish. In September, 1776, he was elected a member from the same parish to the South Carolina Assembly, but in the following month he removed to North Carolina, settling with his family twelve miles north of his South Carolina home, and to the east side of the Peepee, in that portion of Anson County that three years latter (1779) was erected into a separate county and named Richmond. Here Harrington had acquired a considerable area of very valuable lands and upon which he established a home which he called "Beausejour." Here four of his children were born. Though plundered by Tories and British on two successive occasions during the Revolution, the property was afterward restored to its attractive state and remained the family seat and a typical southern slave plantation until the Civil War.

One month after Harrington's removal to North Carolina he was commissioned by the new-born state a colonel of militia in Anson County. In this capacity he was active in holding down the numerous Tories of his district during the four years preceding the British attack upon the Southern States in 1780. In that year, commanding a force of North Carolina militia, Colonel Harrington arrived in Charleston, April 6, and reported to General Benjamin Lincoln who commanded the defences of the port. Moultrie's Journal attests the value of the services of these raw troops. When the capture of the town became imminent, Colonel Harrington, with the advice and unanimous consent of the Lieutenant Governor and Council of South Carolina, and by the order of General Lincoln, left Charleston in April for Newbern,

North Carolina, there to take his seat in the General Assembly, to which he had in the meantime been elected, and to urge in behalf of South Carolina a large and immediate aid of North Carolina militia (See letter from Harrington to Mrs. Harrington, Gregg, Old Cheraws, 301-302). Lincoln, however, surrendered Charleston to Clinton on the 27th of May. Cornwallis, with upward of 5,000 British regulars, was now left by Clinton to prosecute the campaign for the conquest of the South. Congress, disregarding the advice of Washington, now appointed General Horatio Gates, of Saratoga fame, to independent command of the Southern department, and the Southern States made haste to put their forces in fighting condition. The North Carolina Board of War appointed Colonel Harrington as Brigadier General, *pro tem.* of the Salisbury District, which included the most exposed area of the state. Harrington stationed himself with headquarters at Cross Creek (now Fayetteville) in the center of the Highland Tory region from which Cornwallis expected to derive much aid. Cornwallis had thrown out detachments northward, one taking post at Cheraw near the Peegee and on the very borders of North Carolina. At Cross Creek General Harrington, with care of the country from Anson to the sea coast, kept a vigilant watch on the British outposts and sternly held the Tories of the Cape Fear country in check. At the same time he collected large supplies for the regular army. On the advance of Gates to attack the British at Camden, he summoned Harrington from Cross Creek to join him. A forced march was immediately begun by Harrington's forces, but upon arrival at Haley's Ferry on the Peegee he received intelligence of Gates' disastrous defeat on August 16. Harrington now established himself at Haley's Ferry for a time and performed most effective service in reorganizing the defense against the British advance. Likewise he co-operated effectually with Colonels Marion and Sumter, the guerilla leaders of South Carolina in their endeavors to hamper the forward move of the British forces. Nevertheless, in September, Cornwallis, reinforced by troops

from Clinton's command at New York, passed into North Carolina, Ferguson, the Marion of the Royalists, moving on his left. The latter was surprised at King's Mountain, there ensuing one of the bloodiest fights of the Revolution. After the loss of one-third of their number, and the death of Ferguson himself, the remaining Royalists laid down their arms. Cornwallis in consequence fell back upon his old posts in South Carolina in the last months of the year; while the Continental Congress appointed Gen. Nathaniel Greene to succeed Gates in the Southern department. In the meantime the General Assembly of North Carolina, to meet the threatened advance of the British, determined upon a re-organization of the state militia in order to more perfectly integrate it with the defense which was expected of the Continental troops. Hence it now elected Lieutenant Colonel Wm. Davidson, of the Continentals, to the post of Brigadier General which had been conferred temporarily upon General Harrington by the Board of War. General Harrington thereupon sent in his resignation, but continued to exercise the command and cooperated with Greene until the first months of 1781, when General Davidson assumed the duties of the post.

We have no record of military service on the part of General Harrington during the struggle between Greene and Cornwallis in the Carolinas through the last year of the war that culminated in Cornwallis' surrender at Yorktown, Oct. 19, 1781. In 1783, the first year of peace, he was elected a member of the state senate from Richmond County, and again in 1785. In 1791 he was elected by the Assembly a member of the Council of State. Again he was sent to the state senate in 1798, and this appears to have been his last public service. Strongly attached to the pursuits of a country gentleman, he quietly cultivated his home estate in Richmond and his South Carolina estate near Cheraw, in Chesterfield County, and to a remarkable degree rehabilitated his personal fortunes. Under a regime of slave labor and unscientific methods he constantly sought to improve the

art of agriculture. He kept up a correspondence with several public men in his latter years, but mainly upon things agricultural. A Federalist in politics, he nevertheless took no part in the bitter partisan warfare of public men in the last decade of his life. He died at his seat, "Beausejour" in Richmond, March 31, 1809, in the sixty second year of his age.

After General Harrington's death, the letters of chief interest in the collection are those from Charles Washington Goldsborough to Mrs. Harrington. They relate particularly to the interests of young Henry William Harrington, 2nd son of the General, whom Mrs. Harrington contemplated putting to school in the North. However, before her plans were settled, the war of 1812 approached, and through Goldsborough young Harrington secured an appointment as midshipman in the American navy. It is regrettable that the other side of the correspondence, the letters of Mrs. Harrington to Goldsborough, are not available. From the one letter to her son, appearing herewith, it is evident that she writes in a very lively and interesting strain.

The letters have been placed in chronological order, despite the fact that the continuity of the larger series, the letters from Goldsborough to Mrs. Harrington, is broken by interpolation of others to or from Midshipman Harrington. By this method they preserve somewhat better their continuity of interest.

Thanks are due to Mr. W. W. Huske, of Fayetteville, for placing at the disposal of the editor a sketch of the Harrington family preserved in his own family records. Its interest is mainly genealogical and such portions as have been used appear among the foot-notes to the letters. I also wish to thank Mr. W. A. Kirksey, of Cluster Springs, Virginia, for valuable assistance in reading the original manuscripts.

H. M. WAGSTAFF.

Chapel Hill, N. C., July 15, 1914.

THE HARRINGTON LETTERS

PEEDEE, August 17, 1785.

DEAR SIR:

I hope that Lieut. Campbell has restored my negro Cuffee,¹ and paid you full fees with every expense, if so you will sir be pleased to send Cuffee to me by Jonathan Wise, otherwise you will proceed against Campbell in two actions.

Should you sir have a moment's leisure I might also learn in what State the suit commenced against Jo. Johnston stands and I shall my ever dear sir, rejoice exceedingly to hear by the same conveyance that you are in perfect health. With the most affectionate regard, the most perfect esteem —I am,

My dear sir

Your most humble & most obt. Servant,
H. W. HARRINGTON.

The Hon^{ble} General Pinckney,²
Charles Town.

¹ A negro slave, son of Toney (General Harrington's body servant, whose note appears later), who was carried off by the British in their raids northward after Gates' defeat at Camden in 1780. Cuffee was a negro of remarkably valuable traits of character. Carried off with other negro slaves when General Harrington's plantation was raided in the summer of 1870, Cuffee subsequently fell into the hands of Captain Campbell, a British officer, who settled after the Revolution on Peedee. General Harrington brought suit against Campbell in Cheraw District for Cuffee's recovery. The damages found were large, and only to be discharged by the delivery of the negro. Rather than pay the amount, Captain Campbell sent to Jamaica for Cuffee, where he had been transported, and delivered him to his master.

² Charles Cotesworth Pinckney acted as General Harrington's attorney in South Carolina. In a letter from Pickney to Harrington, Aug. 24, 1785 (State Records Vol. 17, p. 166) the latter is informed that he has not yet heard from Campbell and will proceed with the suit; that Johnston refuses to honor the debt except by security for payment in installments extending over four years. He requests instructions on the question of acceptance of security. Certain other of their correspondence on various business matters appears in Vols. 15, 16, and 17 of the N. C. State Records.

NEW YORK, June 10, 1780

SIR:

A few days before I set out for this city Mrs. Goldsborough¹ of Dorchester County sent me the enclosed letter for Col. Harrington which I presume covers one for her mother Mrs. Auld. She is very desirous that it should have a safe

and speedy conveyance. I shall therefore thank you to forward it by the first opportunity.

It will give me much pleasure to facilitate the communication between Mrs. Auld and her daughter; any letter that she will please to enclose to me shall go safe to her friends in Maryland.

I am, with Respect,
JOHN HENRY²

Col. Henry William Harrington,
on Pee Dee River,
Anson County,
N. Carolina.

¹ Mrs. Robert Goldsborough, whose husband was born in Cambridge, Dorchester County, Maryland, in 1733; died there Dec. 31, 1788. He was a graduate of Philadelphia College (Now University of Pennsylvania) in 1760, took an active part in the anti-Revolutionary movements, was Attorney-General of Maryland in 1768, and a delegate to the Continental Congress of 1774-75, and that of May 1776. Mrs. Goldsborough was a Miss Auld of North Carolina, and sister of Rosanna, wife of General Harrington. She was mother of Charles Washington Goldsborough whose note appears later in this series.

² Henry, John, b. in Easton, Maryland, about 1750; died there, Dec. 16, 1798. He was graduated at Princeton in 1769, studied law and practiced at Easton. He was a delegate from Maryland to the Continental Congress in 1778-81, and again in 1784-87, and was then elected to the United States Senate, serving from 1789 till Dec. 10, 1797, when he resigned, having been elected governor of his State. He held this office until the time of his death.

LOWTHER, 14 November, 1788.

DEAR SIR:¹

I am now happy to have an opportunity to drop you a line from our Native Country, where I have spent some weeks past rather in gayety than satisfactorily among my relatives—indeed we have been entirely taken up in attending our Family leader the Earl of Lonsdale² since the fourth inst. At a Jubilee given by his Lordship at his castle at Whitehaven in commemoration of the Centenary Revolution on the landing of King William who was supported by the Lowther family—as my cousin (Col. Lowther)³ has had the burthen of this business in aid to his lordship, I have had in addition to his Lordship's notice on this occasion a fair opportunity of personal observation, and should be particular in giving you an account of the greatest entertainment ever given by a subject were it not taken such notice of in the

public prints that you can not possibly miss it. It is sure that there were sixteen thousand people collected. I think we had upwards of four hundred gentlemen and ladies (including nobility) in the Castle and indeed every gentleman of consequence on either side of Parliamentary disputes seems to have stepped forward in every part of the kingdom to demonstrate an attachment to the present Royal Family. This is lucky for England, as the death⁴ of his Majesty of which we are just informed gives us a devilish prospect of the convulsions that a consequential parliamentary dissolution will create in this country—his Lordship is not yet arrived at Lowther but is hourly expected on his way to London from the Castle. Four carriage and three Post Horses are ready harnessed and saddled at each stage and his presence at the Palace will be of consequence as he has the honor to send sixteen members to Parl. I shall suspend an account of further observation till we see what turns up—and content myself with continueing that on my way to this place from Whitehaven. I had the curiosity to sleep a night in the house I was born in, which I now found occupied by a nephew of your old friend Major Wise, his attachment to America soon brought on an introduction and I was hospitably entertained—he has a young wife; 25lbs. per annum and about 15 lbs. more by keeping school. He is a clever fellow and deserves a better birth. I was surprised to hear that Miss Wise was married to so near a connection, as Mr. Baulk proves to be, her cousin. The parson (Mr. Littlewaite) would have been a better match without any illiberality of conugal sentiment—I mentioned him to you because I think he deserves a transplantation in which perhaps you can be of service. He would suit the Cheraw church—is humble tho independent, he has indeed shown himself too much so in his choice of a wife whose birth and modesty will never promote her here. The story is singular and deserves to be related. The young parson had lodged sometime in a house where his wife was a servant. He noticed her prudence without the least sus-

picion, the girl at last returned to her father who is a Collier, the next morning the parson took out a license and as a reward for her virtue and humility greatly surprised the girl and her father.

The fire works alone cost his Lordship 600 lbs. sterl. I think the Frolick must have cost as many thousands.

P. S. As soon as time and opportunity permit I will endeavor to answer you with some observations on my tour thro' England.

(Gen. W. H. Harrington.)

¹ This letter, written from Lowther, England, appeared in the Harrington collection of letters as they came into the editor's hands. It was without address and signature, the second sheet upon which the remainder of the letter was written having been lost. Nevertheless the editor believes it to have been addressed to General Harrington and written by a relative or friend, resident in Carolina, but on a visit to English relatives. The subject is interesting in that it reflects a view of the Centenary Celebration of the Revolution of 1688 and on this account it has been inserted.

² James (Lowther), by royal patent, May 24th 1784, created a peer of Great Britain, by the titles of Baron Lowther, of Lowther, in the County of Westmoreland, Baron of the Barony of Kendal, in the said county, and Baron of the Barony of Burgh, in the County of Cumberland: Viscount of Lonsdale, in the County of Westmoreland, and county palatine of Lancaster, and Viscount of Lowther, in the County of Westmoreland: and Earl of Lonsdale, in the County of Westmoreland. On October 10th, 1797, his Lordship was created Baron and Viscount Lowther, of Whitehaven, with a collateral remainder to the heirs male of the body of his cousin, the Rev. Sir William Lowther, of Smillington, Bart. Earl Lonsdale died May 24th, 1802.

³ Sir William Lowther, son of Rev. Sir William Lowther, of Smillington, succeeded to the title of the Earl of Lonsdale in 1802 upon the death of his cousin, James, first Earl of Lonsdale.

⁴ George III exhibited the first signs of mental disorder in 1765 but soon recovered his usual robust health, and not again until October 1788 did there appear unmistakable signs of a recurrence. "The immediate cause," says Lecky (England in the XVIII Century, Vol. V. p. 96) "appears to have been the injudicious treatment of a severe bilious attack, excessive exercise, and imprudence in keeping on wet stockings during an entire day." It was this illness of the King that gave rise to rumors of his death as that of the above letter. He lived to 1820, having reigned for 60 years, through one of the stormiest periods of English history.

CHARLESTON. June 11, 1789

DEAR FRIEND:

I am extremely obliged to you for your polite favor of the 25th ult. and particularly so for the attention you have shown by writing to your Moravian friend on my account. His answer satisfies me that such accommodations as I should expect are not to be got at Salem; nevertheless I am not the less obliged to you and him.

It is with pleasure that I hear always of our good friend's health at Constitution Hill. Be obliging enough to remember me to him.

The Postman from Cheraw delivered me your letter yesterday afternoon and sets off again today at 12, so that I have no opportunity of inquiring about the gins for cotton: between however the present moment and the next trip (which will be next month) of Brown the Cheraw Rider, who I shall desire to call on me, I will endeavor to find out which is the most advantageous machine and communicate the intelligence to you.

In the meantime I am, D. Sir, with respect your

Obt. Hum. Svt.,
J. F. GRIMKE.¹

To Henry Wm. Harrington, Esq.

¹ John Faucheraud Grimke, Jurist, b. in South Carolina, Dec. 16, 1752; d. Aug. 9, 1819, in Long Branch, N. J.; fought through the Revolution as Lieutenant Colonel of Artillery. He studied law in London and was one of the Americans there who petitioned George III against the measures which infringed on colonial rights. Returned home at the beginning of hostilities; elected Judge of the Superior Court of South Carolina, 1783. In 1799 he became Senior Associate and thus virtually Chief Justice. He was frequently a member of the State legislature; Speaker of the House 1785-86 and a member of the S. C. Convention that adopted the Fed. Const. in 1788. He was given the degree of L. L. D. by Princeton in 1789. He published "Revised Edition of the Laws of S. C. to 1789;" "Law of Executors of S. C.;" "Probate Directory;" "Public Law of S. C.;" and "Duty of Justices of the Peace."

3 Sept., 1789.

DEAR SIR:

I received yours by Toney¹ with the enclosed paper, and will pay due attention to the matter. I was very sick and not up at our election², but am informed that Mr. Thos. Wade³ went for the Senate, agreeable to my wish. Mr. Pleasant May⁴ and Wm. Wood⁵ for the Commons—the first of which is also agreeable to my desire, and the other I care not much about. The Conventioners I am told for our county are Spencer⁶, Wade, May, Gilbert⁷, and Jamison⁷, among whom I have reason to believe there is different sentiment about the constitution, though I fear the majority will be against it, but am not absolutely confident in my opinion about them as I was not there.

Toney informs us you were all well yesterday, which we are happy to hear—and as for our family they have gone through the rubbers—in the ague and fever way this sea-

son, but seem all to be rather on the mend at present—Our little Charley and Harry are the lowest in health of any of us and appear to be at a stand in their sickness, Betsy, myself and Sher'd are getting the better of it, and our little girls mend slowly.

I don't remember any news worth communicating.

Am Dear Sir with respect and affection,

Yours,

JOHN AULD⁸.

Henry Wm. Harrison, Esq.

¹ Toney was a favorite and trusted slave of General Harrington and had been his body servant throughout the War of Revolution. He was a negro of remarkable character, honest and faithful in the highest degree. He was the father of Cuffee who was the subject of the suit between Lieutenant Campbell and General Harrington. General Harrington purchased Toney in 1771 from John Mitchell, a Tory residing near Cheraw, S. C., and who sold out and left the country when partisan feeling developed incident to the opening of hostilities. After the Revolution General Harrington sent Toney on horseback from Peedee to Newbern, N. C., with a bag of 1,500 Spanish silver dollars to pay for a land purchase. The money was duly delivered.

² Election for the General Assembly.

³ Thomas Wade, native of Anson County, a member of the Constitutional Convention at Fayetteville in 1789. He was senator from Anson in 1782, 1783, 1786, 1789, 1791.

⁴ Pleasant May, native of Anson, member of the Constitutional Convention that ratified the United States Constitution at Fayetteville in November, 1789; also elected to the State legislature (Commons) in 1788, 1789, 1792, 1793, 1794, 1795.

⁵ William Wood, of Anson, member of House of Commons from 1786 to 1794 with exception of 1788.

⁶ Honorable Samuel Spencer, Esq., native of Anson, and member of both the Hillsborough and Fayetteville Constitutional Conventions (1788 and 1789). Previous to these services Spencer had been member of the first Provincial Congress (Newbern, 1774) of North Carolina, and of the second Provincial Congress (Hillsborough, 1775). He was also made Colonel of Militia in the military organization set up by the second Congress, and at the same time became a member of the Provincial Council of Safety. In 1777 Spencer was elected by the General Assembly as judge of the Superior Court and served until his death in 1794. He was an ardent anti-federalist in the Hillsborough Convention, took a most active part in the debates on the Constitution, and contributed very materially to its defeat by that body.

⁷ Jesse Gilbert and David Jameson, both elected to the Constitutional Convention at Fayetteville, 1789.

⁸ John Auld, member from Anson in the Commons in 1783 and 1784; member of the State Senate in 1788. Auld was brother to Mrs. W. H. Harrington.

PHILADELPHIA, Dec. 10, 1791.

SIR:

I have heretofore written frequently to you on account of Mrs. Caroline Goldsborough¹ of Dorchester County in Maryland, who is the sister of your lady. Her anxiety to hear from her mother and sister, has induced me to trouble you once more. She has had no letters, or any other intelligence

for more than two years, and is now under painful apprehensions that they are dead or have totally forgotten her. To remove her inquietude, I must entreat you to write her by the first opportunity.

If you enclose your letters to me, they will be safely forwarded to Mrs. Goldsborough.

I am sir, your Hbl. Svt.,
JOHN HENRY.²

Col. Harrington,
North Carolina.

¹ Mrs. Goldsborough, mother of Charles W. Goldsborough and sister of Mrs. W. H. Harrington (See footnote No. 1 letter No. 2).

² See footnote No. 2 letter No. 2.

CAMDEN, April 21, 1792.

DEAR SIR:

I find that on the last day of the last session of the Legislature, that the sitting of the court of equity at Columbia was postponed till the fifteenth of May. You will therefore have no occasion to be there before the 14th. I hope you have not had the tremendous freshes which have deluged the whole country adjoining the Congree and Wateree. Corn will be very dear for considerable quantities of that article are destroyed and a great deal of indigo here is damaged which will occasion that article also to be scarce and consequently dear.

I remain with sincere regards and esteem,

Very truly,

CHARLES COTESWORTH PINCKNEY.

Brig^d Gen^l Harrington.

July 2, 1798.

State of North Carolina,
Richmond County.

We the inhabitants of the town of Rockingham convened together to take into consideration and point out some suitable person to represent the county aforesaid in the Senate

at the next General Assembly to be held for the State aforesaid, give it as our opinion that Henry Wm. Harrington, Esq., be nominated as candidate for that purpose and that Walter Leak, John Clark, and James Terry be a committee to draw up an address inviting him to accept thereof should he obtain the suffrage of the freeholders of the county aforesaid.

Signed by:

JAMES TERRY	TEDDY NOBINGTON	W.M. ROBINGSON
LEWIS LAWYER	W.M. ROBARDS	MICAJ. GAINY
IND. BOWNDS	JOHN COPE	WALTER LEAK
JOHN LONG	JAMES SMITH	IND. CROWSON
BOWEN CAREY	BENJAMIN STEATEY	

¹ General Harrington became the candidate for the State Senate in this year, 1798, and was elected, this being his last public service as far as the editor can discover. He was an ardent Federalist in politics.

Perhaps there never was a time when the County of Richmond stood more in need of the Exerting of Public Spirit than the present, since the Horrows of War were over. The fewer we have of real Patriots the greater will be the praise if any benefit be done to Society or any danger averted from us. When our Rights and Liberties were invaded we had our Cincinnatus in Richmond, when now again our political Character is insulted we apply to his advice tho' in times of peace and Tranquility—There is such a thing as a Negative as well as a Positive Virtue—It is in the power of the magistrates of Richmond to deny the office of High Sheriff to that indigent vain fellow of the Feudal Tribe who is now so importunate—This denial may be the happy means of preventing a greater impending evil in our Political System. It will give a check to the Popularity of his Party and we are well aware to which side of the House his Interest and Popularity would incline.

Our Eminent danger from the votes of an ignorant dram-

Drinking Rabble—May Heaven and your Worships prevent
—Such is the fervent prayer of

LIBERTY AND EQUALITY.¹

Genl. H. W. Harrington.

¹ This was an address to Gen. Harrington, apparently accompanying the appeal of his fellow citizens to stand for the Senate in 1798, in which election his prestige was expected to rescue his county from the control of the Republicans.

RALEIGH, Dec. 20th, 1800.

DEAR SIR:

Your favor of July 24th with the bags of wheat and barley seed never reached me till October. Receive for them my very best thanks. They have been sown sometime, but later than I wished. However, although the produce may be thereby lessened, yet the experiment will answer my purpose better as to ascertain(ity) the probability of its taking the Rust. If our Tide Swamp will produce that grain free from Rust I think the best farming we could go on, notwithstanding the great cry about cotton, would be to sow a crop of wheat and immediately after it is off put in corn. There would be no danger of exhausting our land if the opportunity was taken of letting on the water of the first fresh coming down from the Rich up County Lands and such freshes are frequent about the time of the Indian Corn very early in October. Cotton as far as my experience goes and from my correspondence with Mr. Kinlock will not answer well on our Tide Swamps and if the Corn etc. above mentioned cannot be carried into effect successfully, I suppose we had better continue on Rice. That article, if managed well, and the average prices of a few years continue, will do extremely well. Mr. Heyward has brought the growing it by water to such perfection that upward of twenty Tierces per hand had been made to upwards of forty hands round.

But I am very much inclined to try Cotton and a statement of the increased value of the Exports of So. Carolina in a few years from 2 millions to 10, which, I suppose you have seen, increases that inclination as the increase evidently

appears to have been greatly by the single article of cotton. Col. Wade Hampton, I understand, is the principal cotton planter of So. Carolina and that his crops are made from the low lands of Congaree or Wateree. If so, I suppose those of P. D. (Peedee?) will answer well and that you have from the great profit and your readiness to embrace every improvement gone largely on it. As I have on the low land of Cape Fear River a great deal of cleared high River Swamp I will thank you to give me every information on the subject, as without compliment I regard you as the first farmer in the State. At the same time please inform me whether you are inclined to contract for the delivery of from 1 to 2000 bu. of corn at Georgetown, the lowest price and earliest time of delivery, the sooner the better and if a post does not come regularly from your neighborhood to Fayetteville perhaps the most speedy conveyance would be by Georgetown whence the Post comes regularly every week to Wilmington setting off on Thursday or Friday from Georgetown.

Hitherto, although it was constantly my intention to be more diligent, I have neglected to write you for the Saint (?) seed, Siberian, annual and perennl Vetch, Smyrna wheat, winter oats, spelts & (?) which you ordered and also to give orders for some articles for myself but immediately on my return home, having already taken means to place money in New York I will write for them and on receipt will endeavor to convey some of each to you. Early in February I propose passing Georgetown on my way to Charlestown and if the articles arrive and be not too bulky shall carry and leave them for you in that place and there with great pleasure will reciprocate your farming presents. The Timothy Beans I expect will be an object, they turned out extremely well but unless your black-eyed peas are better I could send you some superior. Perhaps yours and mine are in fact the same sort, for those you sent me as observed by you were somewhat damaged. So indeed was the white wheat a little, not materially, but it ap-

peared somewhat mouldy and weavil eaten. I wish the proper name by which to write for some to the northward.

Your County Politicks according to custom has taken up much of our time & Webb², or Wall³ not appearing to establish their charge against M'farland,⁴ he will be triumphant. The House appeared well disposed to oust him, but the witness brought was too hesitating and not sufficiently positive. A bill has passed to compel witnesses to give evidence, which I understand from Mr. Wall will secure M'farland's banishment in future. We have done but little good and a great deal of harm the particulars of which you will soon know by the return of your members and the public prints, to them I must refer you & hoping for a speedy reply
Remain Dr. Sir with Regard and Esteem

Yrs. Respectfully

BENJ. SMITH.

P. S. I came up late in the session and thus escaped the mortification of witnessing much political violence and passion.

General Harrington,
Beausejour,
Richmond County,
No. Carolina.

I wrote last night by Post to New York for the Spelt,
Vetch and all the other seed mentioned.

¹ Benjamin Smith was a large planter; his home at Belvidere, Brunswick County. A member of the House of Commons of the State in 1791, he was elected to the State Senate in 1792 and served continuously therein until 1801, and again from 1804 to 1810, at which date he was elected Governor of the State. In his youth he had served in the war of the Revolution as an aid to General Washington, and later fought in the Southern struggle against British invasion. For his military services he was awarded a large tract of bounty lands in western Tennessee. He was a member of the board of trustees to whom was granted the charter of the University in 1789 and at the first meeting of the board, Nov. 15th, 1790, he transferred to the incipient University a patent for twenty thousand acres of his Tennessee lands, thus becoming the first benefactor of the institution. Certain of the proceeds of this gift later were devoted to the construction of a building at the University named in his honor (Smith Hall), now used by the Law School. Governor Smith died in Smithville, N. C., Feb. 10th, 1829.

² Robert Webb, member of Commons from Richmond County from 1780 to 1787, and of the Senate 1788 to 1790 and again in 1796 and 1797.

³ William Wall, Senator from Richmond 1794.

⁴ Duncan McFarland, member of House, 1792, and in the Senate 1793, 1795, 1800, 1807-09. McFarland also represented his district in Congress, 1805 1807, the 9th Congress.

RALEIGH, April.

DEAR SIR:

I write¹ this to return you many thanks for your kindness in sending to me the waggon load of cotton seed which got safe to my hand a few days after leaving your house and to express my great disappointment in not having been honored with any more of your favors since your first and only one. Being favored with your message by the Waggoner *that you intended writing me by Post* to this place, leaves on my mind a belief that you have done so, and a fear that thro' some misfortune or other it has not reached me: Letters to and from me miscarry so frequently through the post offices, especially on the Crop Posts, that it would be gratifying to discover where the Fraud is practiced; the offices between Raleigh and your place being few I indulge a hope it may be traced in this particular if you have written more than one letter to me and you can recollect the date and time your letter was put into the Post Office.

I have directed my overseer to pitch my crop of cotton entirely in hills four feet equidistant, believing with you that it will be the safest crop for a beginner and I have hopes ere this that two-thirds of his crop is planted.

Can you account for the fall of cotton in Fayetteville for I understand the market abroad continues especially good?

Hoping before long to have the pleasure to hear from you I remain with respect and great Esteem, Your Svt.,

B. WILLIAMS.

Genl. Henry Wm. Harrington,

Beausejour,

near Rockingham,

Richmond County,

N. Carolina.

Via Fayetteville.

¹ This letter is undated but appears to have been written by Benjamin Williams during his incumbency as governor, perhaps in 1800. Williams, a native of Moore County and a large planter, was elected Governor of the State first in Nov., 1799 and by annual election at the hands of the legislature served three successive terms and was again governor in 1808. He was State Senator in 1807 and 1809. He served one term in Congress, the third Congress, Dec. 2, 1793, to March 3, 1795, and was a republican in

politics. He was born Jan. 1, 1752, was a revolutionary patriot and fought in the battle of Guilford Court House, Mar. 15, 1781. He gained the rank of colonel for his gallant service, having entered it as captain. He was a plain man, of small pretensions, simple, modest, and of irreproachable character. He died in Moore County in 1814.

RALEIGH, June 16, 1801.

DEAR GEN'L:

Your much esteemed favor of 13th ulto. came to hand a few days past, as well as that which you mention to have written sometime ago.

My cotton was planted early in April and had not come up as it was injured by the late frosts, but the weather has since been so extremely cold that it has not grown much. It however now begins to make a more favorable appearance and I have hopes it will improve fast: no doubt the frost having destroyed the first and the second planting of cotton southwardly will very much lessen the crop in that quarter, thereby enhancing in value that which may be made. This however affords us an unpleasant prospect for extending our cotton crop in future, if the price is to be governed by the quantity made. I had indulged the belief that the larger the quantity the better the price would be, inasmuch as it would become an object for strangers to apply at our markets with certainty of being supplied. I am very much pleased with the prospect of this new gin you mention answering my purpose for the present better than what the others may. I shall rely on your goodness to give me as early information respecting it as your health will permit, which ere this may be re-established is the sincerest wish of yours with great regard and esteem

B. WILLIAMS¹

General Henry W. Harrington,
near Rockingham, Richmond County,
N. Carolina.

¹ Written in the second year of his service as governor.

RALEIGH, July 10, 1802.

MY DEAR GEN.,

Long have I intended to write you in answer to your obliged favor of last year and let you know how my crop of cotton turned out, but owing to being late in getting it cleaned since which too the pressure of official duties has occasioned delay.

I planted by actual measurement 42 acres, almost half of which was very good land, the other half but indifferent, tended in the way and agreeably to the instructions (with which?) you have so obligingly favored me, say 4 feet equidistant etc. After all the perloining of my own negroes and robberies of my neighbors 3,200 pounds of cotton was made and I think without prejudice is equal to any up-land cotton, for there wasn't 100 lbs. yellow or faulty cotton among it. This I think is to be ascribed to the excellent season of last year, for as far as I am able to form an opinion it was perhaps a better season than usual. Indeed I recollect no unfavorable time during the growing of the crop except a short drought about the filling up of the cotton, and certainly it was such as admitted of all cotton not too late planted maturing itself; in this your observations respecting the planting early so as to gain season has been manifested important, for in 10 acres of my crop, I am confident, could it have had the advantage of 10 or 15 days more season would have yielded abundantly more than what it did, much of it being overtaken with frost. Upon the whole I am of the opinion take one year with another could we obtain 18 cents for cotten it would be the best crop for us to make. I have shipped what little I made to London and notwithstanding the unfavorable accounts from there for some time back; that since the Treaty of Amiens¹ and general peace, trade will resume its proper station and that we shall yet find a tolerable market in Europe for Cotton.

This year I have planted near 200 acres generally better land than the last but have been so occupied at home as not

to have it in my power to visit my Plantation since the crop has been planted; my overseer however writes favorably.

So far I have taken the liberty of acquainting you with what more particularly concerns myself, you will in return very much oblige me by referring to your present year's cropping. I flatter myself you may have made some fresh discovery in the culture of cotton that may be useful. Russell's Gins we have found fully coming up to your description and it is my intention to apply for another this summer should none superior be invented. Lately I saw a Paragraph in the Public print of S. C. setting forth that a man of that state had made considerable improvement on the patent Gins. If you have information in that regard I shall thank you to communicate it me with instructions how to apply for one.

With my sincerest wishes for the health and happiness of you and yours, I remain, Dr. Sir, with much Esteem,

Yours,

Gen'l Harrington.

B. WILLIAMS.

¹ The Treaty of Amiens was signed March 1802, being the first lull in hostilities between England and France since 1793. Williams was disappointed in his expectations as to its influence on American trade in that Napoleon again forced war upon England in 1804 which continued until the downfall of the Corsican in 1814, during which period American trade suffered its greatest restrictions in consequence of English and French oppression and our own government's several embargo acts.

MY DEAR AUNT,¹

A long, very long, silence has prevailed between us. What has been the cause? Doubtless I am to blame, tho I wrote to you the last. I offer to you, my dear Aunt, my sympathy and condolence in the affliction bereavements which you have experienced—Gen. Harrington² and your son-in-law are, I am told, no more. They are gone to a better world, where corrupt-ability puts on incorruptability and man disenchained from his worldly passions, finds in the bosom of his Redeemer a happiness in duration eternal, in bounds without limit, a happiness beyond the conception

of the most vivid imagination. Let us then weep for the illustrious dead, not because they are taken from us to receive their crown of glory but because they no longer live to guide our steps and to display to us the bright examples of virtue.

It is I believe more than two years since I have either heard from you or written to you, though my inquiries about you have been frequent and earnest. Mr. McBride³ your representative has frequently given to me information respecting you and the family. I lately met with Mr. Satterwhite⁴ who appears to be an acquaintance of James⁵ and who informed me that he had already heard from James who it appears has united himself to a lady of fine accomplishments and good fortune and has a promising heir. All this, my dear Aunt, must afford you great happiness and tend to alleviate the afflictions which have befallen you. Mr. Satterwhite described James to be a gentleman of polite, engaging manners, strong and cultivated mind, and to have a heart a perfect stranger to all guile. I trust this description of my cousin is drawn to the life.

Although young in years and in constitution I feel as if I were an old man, having now four children who occupy almost all my leisure. My great anxiety is to educate them correctly; and their progress in learning is highly flattering to a parent's pride. Two of them Charles and John, are yet too wild or too young to learn, but Caroline and Louis have been to school for more than a year. They both read, spell, and recite admirably; and Caroline in addition writes a beautiful hand, tambours and dances extremely well. Almost all my evenings are spent with them. They of course every evening learn something new and in their improvement consists one of my highest gratifications. Another blessing for which I cannot be too thankful, they have all fine constitutions and enjoy uninterrupted good health.

My dear mother⁶ was well the last time I heard from her which was almost ten days since. She desired to be most affectionately remembered to you and that I ask you to write to her.

May I ask you, my dear Aunt, to write to me, and give me particular account of yourself and of all the members of your family, in whose happiness I cannot but feel deeply interested. Can I ask you, with any hopes of success, to pay us a visit? Could not James and his lady accompany you? Traveling you know improves our health and might benefit yours. We have a snug little cottage, large enough though to hold you all in comfort and I really think you will be pleased with our city. We could all go over to Cambridge together where my dear mother would rejoice to see us. Think seriously of this trip, and determine to take it. Catherine has been taught to esteem and respect you. Come and give her an opportunity of loving you.

Your affectionate nephew,
CHAS. W. GOLDSBOROUGH.

Washington, Feb. 12, 1811.

P. S. Write to me under an envelope directed to the Secretary of the Navy.

Mrs. Rosanna Harrington.

¹ Many of the following letters were addressed by Charles Washington Goldborough to his Aunt, Mrs. H. W. Harrington, widow of General Harrington and mother of Midshipman H. W. Harrington. They prove him to have been a man of fine fibre and courtly character, representing the Revolutionary type of American gentleman with English traditions of life and conduct. He was the son of Robert Goldsborough of Cambridge, Maryland, and was born in that town, April 18, 1779, died in Washington, D. C., Sept. 14, 1843. He was the first clerk of the Bureau of Provisions and Clothing of the United States Navy and Chief Clerk of the Naval Department from 1798 to 1812 under Secretaries Benjamin Stoddart, Robt. Smith, and Paul Hamilton. From 1811 until separate naval bureaus were established he was Secretary of the Naval Board. He is the author of "The U. S. Naval Chronicle," and an unpublished "History of the American Navy." He was a Federalist in politics.

² General Harrington died March 31st, 1809.

³ Archibald McFryde, of Moore County, N. C., member of Congress 1809 to 1811 and 1811 to 1813, and in the State Senate in 1813 and 1814. He was a Republican in politics.

⁴ No information about Mr. Satterwhite was available to the editor.

⁵ James A. Harrington, elder son of Mrs. H. W. Harrington, member of House of Commons in 1808

⁶ Mrs. Caroline Goldsborough, of Cambridge, Dorchester County, Maryland, sister of Mrs. H. W. Harrington.

MY DEAR AUNT,

I duly received your last letter and sincerely thank you for it—because of the real pleasure it has afforded me. I intended to have replied to it in extenso (as our diplomatists would say) that is at full length, but time has not permit-

ted. I will then defer that pleasure for some time and confine myself now to objects more immediately interesting.

Your anxiety, my dear aunt, about the education of your children, cannot be too highly commended—happy children to have such a mother!

We have no seminary of learning immediately in this neighborhood, that I would recommend. My inquiries have been very particular—at St. John's. There the system of education particularly as it respects morals, is extremely defective, and there are so many beautiful young girls there, that the attention of the students is very much diverted from their studies. At Charlotte Hall² about thirty miles from this, I do not approve of the teachers. At the college in George Town³, their catholic habits would I presume be an objection with you, and I rather think that it would be a reasonable objection. This much for all the colleges and seminaries of learning in the neighborhood of the metropolis of our country. However there is a college at Carlisle⁴ that I would recommend, as well for its system of education, its discipline, and its situation. As for the cheapness of living, etc., I do not believe it to be inferior in any respect to Yale—among other things it is very healthy. Now my dear Aunt, should you choose to send my cousin to Carlisle, it will be in my power and it will be very agreeable to me, to pay attention to him. I will procure him such letters as will secure to him an agreeable reception into the best society—and every accommodation necessary to his comfort. If you should still determine to send him to Yale, let him not pass us—the sight of any member of your family would afford me great happiness.

Since I last wrote to you, we have lost my brother Robert⁵—one of the best hearted men that ever lived. Mother has been over and recently returned. Her health is very good. She desired me to remember her to you in the most affectionate terms—and to express her great anxiety to see you.

I am in great haste,
Your affectionate nephew,

Wash. Aug. 15, 1811

CHAS. W. GOLDSBOROUGH.

¹ This letter to Mrs. Harrington is evidently in reply to one from Mrs. Harrington respecting her plans for the education of her youngest son, Henry, who later received an appointment, through Goldsborough's influence, as midshipman in the American Navy and fought in the war of 1812 upon the U. S. Frigate "United States."

² Charlotte Hall, in the northern part of St. Mary's County, Maryland, a state academy founded in 1774.

³ Now Georgetown University, founded in 1799, by members of the Roman Catholic church, and was in 1805 transferred to the Jesuit Society in Maryland, in whose control it remained.

⁴ Dickinson College, Carlisle, Pennsylvania, chartered by the legislature of Pennsylvania, Sept. 9, 1783. Established on what was then practically the frontier, Dickinson was the first college founded to meet the needs of the population of the new West. It received a liberal donation from John Dickinson, author of the famous "Letters from a Pennsylvania Farmer," one time governor of Pennsylvania and most influential in the moulding of our Constitution in 1787.

⁵ Elder brother of Charles W. Goldsborough and named for his father.

MY DEAR AUNT:

I have just received your letter of the 22nd ult. Should it be your choice to send my cousin Henry to college, surely he will not object, since it is his advantage only you can have in view; and he must admit that you are far the most competent judge as to the propriety of the measure. The advantages of a liberal education are inestimable. He naturally must wish to become a useful and valuable member of society. Let him then pursue his classical studies. Let him afford to himself a fair opportunity of gratifying his honorable ambition by improving and enlarging his mind. But what, my dear Aunt, is the bent of his genius? If law, physic, or divinity, then it must be indispensably necessary for him to prosecute his studies—if mercantile pursuits should be preferred by him, then he must procure a situation in one of our most *respectable* mercantile houses—if a soldier or a sailor's life should be agreeable to him, he has arrived at an age to commence his career—he is now a good age for a cadet in the army, or a midshipman in the Navy—as to the situation of a clerk under the Government, let him I entreat you never think of it but with a determination never to become one. I speak with experience when I assure you that though I have one of the best situations of this sort under the Government, yet if I had never entered the service, I should I am persuaded have been worth tens of thousands where now I am worth hundreds—when I was a lad, about the age of my cousin Henry, my worthy, revered,

departed friend and patron, Governor Henry,¹ told me that he would procure me a situation as clerk but that I must not remain longer than six or eight months in such employ, and then assigned reasons which my own experience has abundantly confirmed. For years have I felt my error in continuing; yet, owing to some unaccountable infatuation possibly a degree of indolence which is foreign to my nature, and the persuasions of those with whom I have had the happiness of acting, I have contrary to my own judgment remained,—and now I consider myself from long habit a kind of fixture.²

With respect to Carlisle college, the reputation of the teachers, for learning, piety and diligence, is very high—no religion is taught—The professors are mostly of the Protestant Episcopal³ church—The expenses of board and tuition are about \$200—I believe indeed precisely \$200—his clothing would not cost him more there than at home—The habits of the college are remarkably economical—and the morals of the collegiates are guarded with parental care.—Henry you say is not in good health: then Carlisle is the very place for him to go to. The mountain air would soon brace him up—and invigorate his constitution.

Should he determine to select the mercantile business, it will, I believe, be in my power, as soon as our commerce shall be on a safe footing, to procure him such a position as I should wish to see him in—He would have to pay his own board etc., till of age—The expenses in Phila. or in Balto. or New York, in either of which places I believe I could procure him a situation would be from \$500 to \$600 annually—It is, be assured, as necessary for a young man to serve a regular apprenticeship to the Mercantile business, to become a respectable intelligent merchant as it is for one destined to the bar, physics, or divinity, to go through a regular course of studies in either of those professions.

Should he determine for the army, I think the appointment of a cadet can be obtained for him—or should be choose an appointment in the corps of marines (which I think pre-

ferable to the army) I think I could obtain for him the commission of a second lieutenant—if he should prefer the navy, I could get him a midshipman's warrant⁴. Now, my dear Aunt, do you and my cousin Henry determine what is to be done—and command my services without the least reserve.

I thought that you knew of the death of my brother Hawes, who died between five and six years since.—John, Horace, and myself, are all the children left of my father and mother.—John, who is the most perfect character I ever knew, lives in Easton, and is in very extensive practice as a lawyer—his circumstances easy.—Horace is now with my mother—poor fellow, he has a failing which we have some hopes he will recover from: though many attribute it to his personal deformity.—My poor brother Robert was not happily married—about three years before his death he was divorced—his child lives with my mother.—My brother Hawes left four children, Francis, Robert, Charles, and Carolina: all promising—their mother, one of the finest women I ever knew—lives in Delaware—Tho' she spends much of her time with my mother—brother John has four—John—Elizabeth—Henrietta—and I do not know the name of the youngest—tho' believe Henry.

Yes, my children shall know your name, and be taught to esteem and love you.

Yr. affect. nephew,
CH. W. GOLDSBOROUGH,
Wash't. Aug. 30, 1811.

Mrs. Rosanna Harrington.

¹ Governor John Henry, of Maryland, a note on whom appears with letter No. 2.

² Goldsborough was chief clerk of the navy department for fourteen years, retiring in 1812, when partisan politics finally made his position uncomfortable upon the outbreak of war with England. In political principles he was a strong Federalist.

³ Dickinson College was controlled by this denomination, though its usefulness and the healthful situation commended it to the legislature of Pennsylvania and it often received a state appropriation as a maintenance fund.

⁴ Between the date of this and the succeeding letter young Harrington must have expressed his preference for naval service rather than any of the alternatives. He received his midshipman's warrant Dec. 17, 1811, and after a short period of instruction in navigation was assigned to service upon the Frigate United States commanded by Stephen Decatur.

NAVY DEPT., 20 Dec., 1811.

SIR:

You will report yourself to Dod Hunter at the Navy Yard here, who will instruct you in the theory of navigation.

Respectfully yours,

PAUL HAMILTON¹.

Midshipman H. Y. W. Harrington

Presents

¹ Paul Hamilton, b. Oct. 16, 1762, St. Paul's Parish, S. C., d. June 30th, 1816, in Beaufort, S. C. He was Comptroller of South Carolina from 1799 to 1804; was governor of South Carolina 1804-1806; was Secretary of the United States Navy from 1809 to 1813, being appointed by Madison in his first cabinet.

MY DEAR AUNT:

I have just received yours by Mr. Mitchell.

Do not suffer yourself, my dear Aunt, to entertain any fears about my cousin Henry. He is, without flattery, one of the most moral correct young men I ever knew—and he is much pleased with his profession. Dod Hunter, under whom he is now learning navigation, called on me a few days since for the purpose of expressing his very favorable opinion in relation to Henry—and frequently called him a fine, very fine, young man.

As soon as he shall have completed his studies with Dod Hunter, he will be attached to the frigate United States commanded by my particular friend Commander Decatur,¹ to whom I shall write by Henry, and who, be assured, will pay attention to him—Henry must however go first to the E. Shore²—Mother says she will be grievously offended if he does not—He is quite well. In great haste,

I am, my dear Mother,

Yr. aff. nephew,

CH. W. GOLDSBOROUGH.

Feb. 19, 1812.

Mrs. Rosanna Harrington,
Fayetteville, N. C.

¹ Stephen Decatur, b. Jan. 15, 1779, in Sinepuxent, Maryland, appointed a midshipman in 1798; in 1799 was promoted to a lieutenancy. In 1802 he commanded the Norfolk and Enterprise in the war against the Bey of

Tripoli. He made the most brilliant naval record of all our officers in the war against the Barbary States. In 1808 he was a member of the court martial that tried Commodore James Barron for surrendering the Chesapeake to the British. In the war of 1812 he was in command of the Southern Squadron with the Frigate United States as his flag ship. At the opening of hostilities he encountered and captured the British Frigate Macedonia. In 1814 he was transferred to the "President" as Flagship and the command of a second squadron and performed those brilliant services that has rendered the naval record of the United States the most brilliant, perhaps, in our naval annals. In 1820 he was challenged to a duel by Commodore James Barron and in the encounter which followed Decatur was mortally wounded and a few hours later, March 22, 1820, died. His death provoked profound sorrow throughout the nation.

² Cambridge, the home of Goldsborough's mother, is in Dorchester County, Eastern Shore of Maryland.

MY DEAR SIR:

Allow me to introduce to your acquaintance Mr. H. Y.¹ W. Harrington, a young gentleman whom you will find worthy of your esteem and kind attentions.—He is the son of the late Gen^l. Harrington of N. C. and my cousin, possessed of a handsome patrimony, he has entered our naval service from motives which will I trust conduct him in time to distinction. He is diffident and amiable—and may require advice. Will you exercise toward him a paternal part, so far as to give him your advice when he may require it? In doing so, you will greatly oblige him, and me.

I am, with very great esteem.

Yrs. truly,

C. W. GOLDSBOROUGH.

Theo. Armistead², Esq.,

Wash. 3 March 1812.

Norfolk, Virg.

¹ Harrington soon dropped the "Y" out of his name and thereafter wrote and received all correspondence as H. W. Harrington.

² One of five brothers of an old Virginia family who fought in the war of 1812. One of these brothers, Col. Lewis Armistead, led the forlorn hope and was killed in the assault on Fort Erie, in the war of 1812, and another, Col. George Armistead, commanded Fort McHenry, guarding the approach to Baltimore, and succeeded in driving away the British fleet on the occasion when Francis Key wrote the national song, "The Star Spangled Banner." A nephew, Gen. Lewis A. Armistead, led in the heroic charge of Pickett's division at Gettysburg, which for brilliancy and daring will rank in history with McDonald's charge at Wagram, the charge of the Old Guard at Waterloo, and of the "light brigade" at Balaklava.

MY DEAR AUNT:

I wrote to you a few days since informing you of the character which Dod Hunter gives my cousin Henry, which will I trust afford you much consolation for his offence.

Henry has been ordered to the frigate United States, Commanded by Commander Decatur, now at Norfolk—on his way thither he intended calling at Cambridge to see my mother and remain with her about a week. He will then proceed on to Norfolk. I have given him letters of introduction to Commander Decatur, Lieut. Allen¹ and Midsⁿ. Hamilton, all of the frigate U. States—and to Theo. Armistead esquire, one of the most estimable men ever born. I have asked Mr. Armistead to give Henry his kind advice whenever necessary. Henry will find in him particularly, a friend —In the others also he will find friends. Lt. Allen (1st Lieut. of the ship) is one of the very best officers in our navy —and perfectly the exemplary gentlemen—Mid'sⁿ. Hamilton² is a remarkable fine elegant young man—Henry and himself will I hope become very intimate friends.

I am, my dear Aunt,

Yr. affec. nephew,

CH. W. GOLDSBOROUGH.

Was'N. Mar. 8, 1812.

Mrs. Rosanna Harrington,
Fayetteville, N. C.

¹ William Henry Allen, b. in Providence, R. I., Oct. 21, 1784; d. Aug. 15th, 1813. He entered the navy as midshipman, April 28th, 1800, was 3rd lieutenant of the "Chesapeake" when she struck her colors to the British frigate "Leopard" in 1807, and drew up the letter of the officers to the secretary of the navy urging the trial of Capt. James Barron for neglect of duty. He became 1st lieutenant of the frigate "United States" in 1809, and gained distinction in the action with the "Macedonia," Oct. 25th, 1812. In 1813 he was made commander of the "Argus" and on the 14th of August fought the British vessel "Pelican" in which contest he was mortally wounded and his vessel captured.

² Archibald Hamilton, midshipman, May 18, 1809, Lieutenant, July 24th, 1813. Killed in action, January 15, 1815. Son of Paul Hamilton, Secretary of the United States Navy.

FLAGSHIP-FRIGATE PRESIDENT AT SEA, July 19th 1812.

DEAR HARRINGTON:

How do you do? Have you been well since you left Washington and how do you like the sea, etc. Does salt beef and pork agree with your stomach? I have spent a very agreeable time of it since I left Washington, but I must confess I had rather be there than on board. I was at Hampton

and saw Wilson Jones whom you may remember seeing at W^{sn}. Pray let me know whether you have heard from any of our old cronies at Washington; I saw Atwood¹ in New York, on my way to Newport. I spent four days in Philadelphia and four in the former city. Do come on board in the next boat if you possibly can, I wish to talk over our old affairs with you.

I have been very well since I saw you last, except two or three days sea sickness &c.

With sentiments of respect and esteem I have the honor to be your friend and well wisher.

W_M. BELT² U. S. N.

Midshipⁿ H. W. Harrington,
Frigate U. States.

¹ M. C. Atwood, Midshipman, Dec. 17, 1810. Purser, March 26, 1814.
Died May 12, 1823.

² Wm. J. Belt, Midshipman, Sept. 1st, 1811, Lieutenant March 3rd, 1817.
Commander Feb. 9, 1837. Dismissed Nov. 2, 1842.

MY DEAR AUNT:

I have received your letter of the 1st inst. Its contents give me great concern. You say that Henry must return to you; and, if I did not think that he would be an ornament to his profession;—that the chance of his becoming distinguished in any other would be very slender—and that it would render him very unhappy to abandon the navy—I should concur with you in the wish you have expressed. You say you cannot act the part of a Roman mother—Now my dear Aunt pardon my frankness—This expression was used in a moment of weakness, and it was but a moment, for in another expression used by you I find even the Spartan mother, “for he must not be disgraced.”

I will not undertake to say that Henry cannot retire without actual disgrace, but of one thing I am persuaded and that is, that if he were to retire now he would feel very sensibly—and his feelings would unfit him for a long time to come, for any other valuable profession; and attached as he is to

the Navy, he would never be happy in resigning under existing circumstances.

He is now in a situation where he will acquire reputation—which must have a tendency to wean still more his affections from the shore. He cannot be expected to return shortly. The time of his return, is, indeed, very uncertain. Five ships are cruising together, he is on board of one of them, and one of the best and we know not where they are; but we entertain no doubt of their safe return into Port.—Henry will then let you know how he likes the service, upon stating to you his actual experience, he will have it in his power to remove most of your objections to his continuing in the service, if not all of them. You know, I suppose, his dislike to a farmer's life. He has much of the heroic ardor of his father. Do not, my dear Aunt, allow your fears (which are natural and certainly not unaimable) to suppress the growth of the promising plant. If he prefers remaining in the service, check not his disposition or you may destroy his usefulness. All agree with me in the opinions I have expressed. My solicitude for his continuing in the Navy arises solely from my persuasion that he will prove an ornament to it, that he will acquire a reputation, and in that way contribute to the happiness of mother, his country and his friends.

Among others I mentioned the subject to my Catherine¹ who has all the tender feeling of the most anxious mother. I consulted with her, her reply was—"He cannot resign now and if he were my child I should say remain."

If contrary to my expectation Henry should express a wish to resign—then I assure you I will do my best to get him out of the service in the most honorable way.²

In great haste, I am, my dear Aunt,

Your affc. nephew,

C. W. GOLDSBOROUGH.

Aug. 10, 1812.

Mrs. Rosanna Harrington.

¹ Catherine, wife of Charles W. Goldsborough.

² This letter was evidently in reply to one from Mrs. Harrington to Goldsborough expressing her maternal fear for the safety of her son who was at this time off on a cruise under Commodore Decatur and participating in the engagements of the squadron.

SHIP-PRESIDENT AT SEA

DEAR HARRINGTON:

I shall accuse you of the want of that friendship and intimacy which existed between us at Washington and which I hope will long continue, if you do not let me hear from you oftener than you have done.

Your boat¹ has been long side of us very often since we came out, but you have never put yourself to the trouble to write to me moreover, to learn how I weathered out "Our Running Fight"²—It was to me and I rather expect to you also a novel thing and if I did not suppose you had learned the particulars I would give them to you—However I hope we shall give some of them the thumps³ before we get in and I rather think we hammered the rest of him the other day.

It goes damn hard with me now as our stores have all given out and we are obliged to miss our salt Pork and Beef. I think I had rather be at Washington with old Mother McCaudle. Pray how do you come on in the line of "Clean Shirts." If you are overstocked, I'll take them off your hand. They are in great demand here.

I hope we shall all be rich when we get in port again.⁴ If we can come across the Convoy—We Yankees will be apt to astonish them—Write by the next and every convenient opportunity and let me know how you come on. I hope we shall have a Frolic together in New York in the course of the summer—Give my best respects to Mr. Hamilton and Jami-
son.⁵

In haste, Yrs. with sincere esteem,

Wm. BELT,

12 July 1812.

Mr. Henry W. Harrington,
Frigate United States at Sea,
Mr. Howell.

¹ Young Harrington was upon the Frigate "United States," and his friend Belt upon the "President," the latter ship in a squadron composed of that and two others, the "Congress" and the "Wasp," commanded by Captain John Rodgers.

² Three days after the declaration of war in 1812 Captain Rodgers sailed in the "President" in command of a squadron to intercept the British West India fleet. On June 23, 1812 he met the British Frigate *Belvidera* which

escaped after a running fight of eight hours. The Captain himself fires the first gun, the first shot in the war.

³ High enthusiasm, typical of our naval forces in the war of 1812, accounts for the brilliancy of our achievements in the sea fighting of 1812-1813. The cruise of Rodgers and his squadron, after the Belvidera fight, continued a most brilliant record, making 23 prizes of British vessels during his command of the "President" and attendant ships. Applause and honor greeted his return to American shores.

⁴ This was in anticipation of the distribution of prize money from the sale of captured vessels.

⁵ Wm. Jameson, b. in Virginia 1791, d. in Alexandria, Va., Oct. 7, 1873. He was appointed a midshipman from the District of Columbia in 1811. He received his commission of Lieutenant in 1817, Commander in 1837, and Captain in 1844. He adhered to the cause of the Union at the outbreak of the Civil War and was commissioned Commodore July 16, 1862. He was subsequently invalided and remained on the retired list during the war.

FRIGATE UNITED STATES, BOSTON, Sept. 1. 1812

DEAR MOTHER:¹

In haste I inform you that we arrived in this port yesterday after a cruise of 70 days. We have been so busily engaged since our arrival that I have found it utterly impossible to write sooner and my chance even now is a bad one, I shall however spend a day or two on shore shortly—I shall then have an opportunity of writing to you and the rest of my friends.

The last letter I received from home was dated 2 of May not having heard from Carolina since that time I am of course anxious to know how you are all coming on. I should like to know whether you succeeded in settling the Estate to your satisfaction and if our friends are doing well. In one word, I should like to have all the news. I expect to receive a letter from you before we sail from this place tho it is impossible for me to say how long we shall remain here.

If letters for me were enclosed to Mr. Goldsborough he could forward them on whenever this ship enters any port, for he will be informed of its arrival much sooner than it will be possible for letters to reach you.

I must go on duty.

H. W. HARRINGTON.

Mrs. Rosanna Harrington,
Fayetteville, N. C.

¹ This is the first letter from Midshipman W. H. Harrington to his mother that appears in the collection. It was written after Decatur's cruise in command of the "United States" and the "Argus." Decatur's vessels remained in the port of Boston, Mass., from September 1st, 1812, until early in October, when it set off on a cruise toward the Azores.

FAYETTEVILLE, Sept. 1812.

O MY DEAR HENRY,

Must you sail again before mother sees you? And perhaps before she can even write to tell you how much your friends want to see you, and how gratified your poor mother, aunt, and sisters were only by learning that you were in Boston, more than a thousand miles from them!!! I wrote to you immediately after the rect. of yours from Norfolk of the tenth of June, but you must have sailed before my letter could have reached that place. In that letter I wrote you that your dear good brother¹ had lost his youngest child, his dear little Rosanna! You know what a tender father he is, Poor fellow! he was greatly afflicted. Your sister Troy² and her three children were with us two or three weeks ago in good health and all even the little Rosanna³ anxious to hear from you. Your sister says that she has not received a line from you since you left home. I had a letter from your only brother¹ a few days ago, he says he shall never be happy until he sees you settled at home, and urges for you to come and take charge of your estate the next winter. In answer to your question about the settling of the estate, I can only say that I hope to get through at last; but the present dull price of "produce" will I fear make the negroes hire for very little and the lands will rent in proportion, but though this is a heavy drawback and there are yet a few heavy debts to pay there is but one that is urgent (John McFarland⁴ who has sued on a bond) and we have funds provided, that will be collected before he obtains a judgment, that I have no fear of being obliged to sell any of the negroes for that, or any other debts, unless times grow more desperate than at present.

You may suppose that after being so long ignorant of your fate, we were all eager for the first news of the squad. Yesterday morning as we were at breakfast, your mother about half way through with her first cup of tea, Miss Winslow (Lucy Ann) entered, and told us with her eyes sparkling that "Uncle Belden sent her to tell us that Com^d Roger's squadⁿ had arrived safe at Boston." This put an end to mother's tea drinking at that time, and so completely choked

Aunt Eliza⁵ that I believe she was scarcely able to eat all day afterwards. Harry hugged Lucy Ann, and Caroline⁶ and Henry Ayer⁷ jumped about "like mad" with joy. This morning as we had just begun breakfast again, James Alves came in with your letter! He had been at the postoffice and hoping he said to be the bearer of good news inquired for letters for us. The arrival of your letter more completely put an end to this breakfast than the last; so that we have to charge you with the loss of two breakfasts; I could scarcely forbear hugging Alves myself. Poor Harriet⁸ burst into tears and was for sometime unable to refrain from sobbing—Caroline was much affected too and Aunt E's throat again choked up; all the negroes came up to ask about "Master Henry" and some of them shed tears!

Your other two aunts⁹ and many of our friends came in an hour or two to congratulate us and inquire after you. The general question is, "When will he come home?" I wish I had the power of answering this question with certainty. I think it must be next winter, by the first of January at farthest and as much sooner as can be with propriety.

We are again in the house that we first came to in Fayetteville. The brick castle did not please us or rather the situation of it was disagreeable. The house and lot where we now are we all think much more pleasant, and as our family is now as small as you wish it (only Aunt E. and two little fices) the house does well enough. I would give you the news of the town if I could, but it generally passes my ear without fixing on my memory. There is no great alteration in Fayetteville since you left it. As soon as it was known that your letter was rec'd and that you were certainly safe-landed, a number of your old comrades to wit John McRae, John Wright, James Alves, Wm. Tillinghast and others whom I forget, met together and made a large bowl of punch, to drink to the success of the young midshipman. Harriet says that this compliment must have been payed to you for her sake but you know better. In Wadesboro, everybody almost, have become canting Methodists.

The Miss Jacksons exhort and pray publicly—Miss Wade, pilgrim-like, walks half a dozen miles on foot to meeting, Mrs. Jackson too. Hannah Robinson and her little sister ten years old fancy themselves converted and make much to do about it. And Sherwood Auld's wife has caught the infection to the no small mortification of her husband. The once cheerful little Wadesborough has become the dullest spot upon the globe. We impatiently wait for a long letter from you giving us the journal of your travels—describing the different places you have been at—the prizes the squadron has taken &c. &c. You must have materials now, to fill a volume unless like Prince Leboo new scenes crowded upon you so fast that, you could not remember all your *knots*; however, as you have the use of pen and ink this could not be the case. How did you feel when you first heard the guns of the President and the Belvidera? I make no doubt that you were anxious to be nearer and to have a share in the action, but did no thoughts of home—of mama come across your mind. Finish your career my dear son as soon as you can with propriety and come home, that we may all be together the small balance of time that your mother has to stay here.

Harriet has just rec'd a letter from Eliza Sibley from Nashville on the way to her father with Henry and an elder brother. She makes kind inquiries after you. Your Sisters and Aunts all unite in love to you and in wishing you soon to return home.

That heaven will protect you from every ill is the daily prayer of Your affectionate mother,

Received 27th Sept.

R. HARRINGTON.

Henry William Harrington
Midshipman on board
the frigate United States.

¹ James Auld Harrington.

² Mrs. Robert Troy (nee Rosanna Harrington), eldest child of General Harrington.

³ Rosanna Troy, daughter of Robt. Troy and Rosanna Harrington Troy, was born at Beausejour, the old Harrington homestead in Richmond County, Oct. 14, 1806 and married John Gough Lance, physician of Cheraw, Feb. 12, 1824.

⁴ Farmer of Richmond County, member of the House of Commons from Richmond County, in 1805.

⁵ Miss Elizabeth Auld, a maiden sister of Mrs. W. H. Harrington, residing with her.

⁶ Caroline, youngest daughter of General and Mrs. W. H. Harrington, later married to Otho Chambers, a man of good estate, resident in Rowan County.

⁷ Son of Mrs. Harrington's sister, a Mrs. Ayer, who was left early a widow and later married to Col. Blakemey of South Carolina.

⁸ Harriet, second daughter of Gen. and Mrs. W. H. Harrington, born at Beausejour, 1790, married Bela Wm. Strong, a lawyer from N. Y. who settled in Troy, Montgomery County. Her husband was killed in a duel with another attorney named Holmes, his brother-in-law, former midshipman W. H. Harrington, acting as his second. As a result of this loss Mrs. Strong lost her reason for a time, but eventually recovered and lived to a ripe old age in Wadesboro.

⁹ There were four of the Auld sisters, Mrs. Harrington, Mrs. Ayer, and Miss Nancy and Miss Betsy, the latter two never married.

¹⁰ Mrs. Harrington had moved from her country estate, Beausejour, to Fayetteville for the benefit of the schools for her children, but later returned to her plantation home in Richmond County, and still later to Wadesboro, Anson County, where she resided at the date of her death, Oct. 13, 1828.

BOSTON, 15 Sept., 1812.

DEAR MOTHER:

It has been now more than four months since I have heard from any of my friends. I of course wait impatiently for letters from home. My last (informing you of our arrival here) ought to be in Fayetteville by this time; if so I may expect in 10 or 15 days to hear how you all are and to get the Carolina news. We are making some repairs which I think will detain us here near a month although the commander says we shall sail in less than a fortnight. Our movements however never keep way with his reckoning. Our 1st Lieutenant left this place today for Providence, R. I., he is to return to the ship before we sail. This circumstance together with the repairs before us convince me that we shall be here longer than the Commander says we shall. At any rate letters directed to this place from Fayetteville within ten days will arrive before we sail.

I have thought seriously for sometime past of joining the Army and have determined to do so if I can get such an appointment as I wish. I think that many and much greater opportunities for distinguishing themselves will be afforded to young men of the Army in Canada among the Indians and before and upon the walls of Quebec than those of the Navy can expect. I wrote to Mr. Goldsborough on the subject a

few days since requesting him to make some inquiries with respect to vacancies etc. I shall depend on him to manage things for me at Washington and on receiving his anwer I shall be able to inform you whether I am to become soldier or remain sailor. I wrote to you on the day we sailed from New York on the last cruize expecting to send the letter on shore by our Pilot who had actually got in a boat to return when it was determined to take him the round with us—He remained on board and I accordingly missed sending my letter. I mention this lest you should think I neglected to write when I had an opportunity. I have written to none of my Carolina friends or acquaintances since our arrival, this is not from a want of inclination. I have no time now which I can call my own, 'tis the States', do tell them so and make every necessary apology for my apparent neglect. I want to know what you all intend doing with yourselves—whether you have any idea of returning to PeeDee¹—whether Brother² is making or has made preparations for removing to No. Ca. What has become of our boys (Cousins Tawney and Wiggins) who ought to be fighting characters these days? Fauri's large head would stand a glorious chance among the cannon balls.

Remember to all friends.

H. W. HARRINGTON.

Tell Mrs. Fletcher not to mind altho- she has not been "called" as particularly as usual won't do to regard trifles these war times. 16th Sept., 1812.

Mrs. Rosanna Harrington

Fayetteville, N. C.

¹ This is in reference to a possible return of the Harrington family to Beausejour, on PeeDee River, in Richmond County.

² James Auld Harrington married Eleanor Wilson, daughter of Governor John Lyde Wilson of South Carolina and was living in that State at the time of this letter. Gov. Wilson was a prominent lawyer living at this date in Georgetown, South Carolina. He was elected governor in 1822 and served a two year term. A member of the Nullification Convention of 1832, he advocated the most violent of the measures that were proposed then and during the session of 1833. In 1838 he published a "Code of Honor," which he affirmed was the means of saving life, but which seems to have been intended rather to regulate duels, in several of which he took part.

BOSTON, Oct. 4, 1812.

DEAR MOTHER:

I received yours of the 13 September on the 27th. It gave me pleasure to hear that my friends were well and that (while beating about on the Ocean) I am not entirely forgotten by them. I am glad to hear that you are no longer troubled with boarders and I really hope you are determined never more to be so. As my sentiments on this subject have always been known to you, you may suppose that I am much better satisfied with your situation now than when I left you. I could however wish that you were not so entirely destitute of a protector as you at present are, or that you had such a one as you would find in my brother, were you in that house on Peepee which I once had the pleasure of calling my home, and he on one of his plantations. In his last letter he says "As soon as I see a solution on the old capes I shall come up." We are now prepared for a three months cruize and expect to sail in a few days, so I am likely to eat my Christmas dinner at sea (unless our Commander should give us some repairing jobs before that time) instead of in the camp; for I have not heard a syllable from Mr. G. yet.¹ A long cruize will considerably derange my plans for entering the Army—such a one (short and successful) as the Constitution's last would just suit me, but should we run across to Europe, South America or India, and be gone 3, 6, or 12 months as we must be I shall have lost my chance in the Army. I have great hopes however of meeting with some of their cruisers before we leave our own coasts.² You have not mentioned Madette or Leonard in your letter—if they are still in Fayetteville and should ask after me, tell them I shall be glad at all times to receive letters from them. I hope that these young men will place themselves in active situations in which they may be of service to their country and do honor to themselves for I think that they if no other of my acquaintances in Fayetteville have spirit of enterprise enough to do something during this War. I am now equally unable with yourself to answer the "general question" which my friends ask and can

only say that when the avowed objects of the war are obtained and peace shall succeed that I can with "propriety" return, I promise myself the pleasure of visiting my friends—until *then* my services are my Country's. I hope that you will suffer no uneasiness on my account or permit any of my friends to do so—The fortune of war is as changeable as the wind—there is no possibility of knowing where duty may call or necessity drive us—so long as we carry the compass in one hand and the Quadrant in the other, fear not our safe return.

Oct. 5th. I could not conclude this scrawl last night. While writing was so tormented by my jovial shipmates that I scarcely know what I have written. I have however now as little time to apologize for the defects of my letter as I have to overhaul it or commence another—We are now getting ready to unmoor ship and if the wind was fair should probably sail today; I make no doubt we shall be off early in the morning—I shall detain this letter until then.

Oct. 6. Today we drop down to Nantucket Roads (about 9 miles from here) and expect to sail tomorrow or in a very few days. Remember me to friends.

H. W. HARRINGTON.

Mrs. Ros^a Harrington
Fayetteville, N. C.

¹ Young Harrington had written after his first cruise to Charles W. Goldsborough respecting a transfer from the navy to the army, being evidently moved by the restlessness of youth to take part in the campaigns then preparing against Canada. The next cruise of Decatur, however, seems to have satisfied his thirst for adventure: Likewise Goldsborough's reply must have discouraged the plan of transfer, since we hear no more of it upon his subsequent return to port in shattered health.

² On the 8th October, 1812, Commodore Decatur sailed from Nantucket cruising toward the Azores, where on the 25th his flagship, the "United States" (upon which Midshipman Harrington served) fell in with the British frigate Macedonia, Captain John Sucnam Cardue, who instantly made chase. But Decatur had no intention of escaping, and the action was short and decisive. In ninety minutes the United States had shot away the Mizzen-mast of the Macedonian, had dismantled two of her maindeck guns and all but two of the carronades on the engaged side, had killed forty-three and wounded sixty-one of the crew, had put one hundred shot in her hull, and made her a prize. On the United States twelve men were killed or wounded. The prize was brought into New London by early December, adding another to the long list of our sea captures of the year.

DEAR HARRINGTON:

I take this opportunity to enclose you—that which your present situation must necessarily require.¹

With best wishes for your recovery,
Your sincere friend,

D. TAYLOR.²

Frigate U. S. Dec. 11, 1812.
Mid^{sn} W. Harrington
Forwarded by Mr. Timberlake.

¹ The frigate United States returned to port at New London the 7th of December. Midshipman Harrington, in the last weeks of the cruise had suffered an impairment of his health which confined him somewhat more than a month at New London.

² Dugomier Taylor, Midshipman, 16 January, 1809, Lieutenant, 24 July, 1813. Died at sea 5 October, 1819. He served upon the frigate United States in company with Harrington in 1812 and was in the Macedonia fight.

NEW LONDON, Conn., Jan. 11, 1813.

DEAR MOTHER:

I have just received your letter without date. The mail closes in five minutes. I therefore have barely time to say that I am recovering my health faster than I could expect. I now walk about all through the house and should walk all over the town were it not for the inclemency of the weather which is very severe here at present. I shall commence my journey¹ to the southward as soon as I think my health sufficiently recovered. I will write from New Haven or New York to let you know that I am on the way.

In haste,

HENRY W. HARRINGTON.

Mrs. Ros^a Harrington
Fayetteville, N. C.

¹ Midshipman Harrington procured a leave as a result of impaired health and set out the 27th of January southward to visit his mother in North Carolina. Arrived in Fayetteville he soon was persuaded to assume the management of his estate and charge of his mother's interests, and in consequence resigned his commission the 12th April, 1813. However, since the war was not yet over he remained for some time unsettled in his purposes and plans, but eventually, despite an early distaste for agriculture, settled to the life of a southern planter upon his home estate.

DEAR HENRY:

I wrote to you soon after the arrival of the U. States—but by some fatality I have just found that the letter was never put in the post office—In that letter I congratulated you for the share you were so fortunate as to have in the victory over the Macedonia and asked you what were your wishes as to continuing in the Navy. By letter just received from Aunt Harrington, I have heard for the first time that you were left unwell at N. London. By this time I hope you are restored to health. If not, and I can in any way whatever serve you command me freely: or whether you have or not recovered—Aunt appears very uneasy about you, and extremely anxious that you should go to North Carolina. Should you wish this considering your late ill health, there will not I apprehend be any difficulty in procuring you the indulgence. When there you can make up your mind whether to remain in the service or not.

Mrs. G. and the children unite with me in best wishes and regards for you.

Yr. friend,

C. W. GOLDSBOROUGH.

Washⁿ 22 Jan., 1813.

Mr. H. W. Harrington

Midsⁿ Crew U. S.

N. London, Ct.

NEW HAVEN, Conn., Jan. 28, 1813.

DEAR MOTHER:

I have just arrived here from New London which place I left last evening. Tomorrow or next day I go to New York where I expect to remain 10 days or a fortnight. My journey will thence be continued on southward so that I think about 7 weeks from this time you may expect me in Fayetteville.

Should you see brother tell him to be prepared for me, that I almost think already that I can see *the fox* amoving¹ and although he is 7 or 800 miles ahead of me, unless he

runs a good race he will find me in the course of two months close at his heels.

Affectionately your son,

H. W. HARRINGTON.

29th. John Eccles and John Lord found me in a short time after I arrived here. Should their friends inquire after them you can inform them that they are well.

29 Jany.

H. H.

Mrs. Ros^a Harrington

Fayetteville, N. C.

¹ After retiring from the naval service and taking up the management of the old Harrington homestead, Beausejour, on the PeeDee, in Richmond County, young Harrington became a typical Southern planter of large estate. He loved the chase and kept a kennel of thirty or forty fox hounds. In the season he drew about him large hunting parties from among his friends and entertained them lavishly during a week's hunt. He carefully protected the game upon the large estate. Engaged in the culture of cotton, he owned about three hundred slaves, and devoted himself exclusively to agricultural interests with the exception of two terms service to his county in the state legislature as member of the Commons (1816 and 1817). As a result of disappointment in a youthful love affair Harrington never married, perhaps also being influenced to a general disinclination for society by the part he played in the duel of his brother-in-law, Belah Strong, and his sister's subsequent loss of reason. See *supra*.....

MY DEAR AUNT:

You will at length I hope have the happiness of seeing your worthy son Henry my cousin, and although he has been in battle, and subsequently been sick, you will I think find him just as "safe and sound" as when he left you—indeed I think improved in appearance. He seems bent on continuing in the Navy, however he defers a definitive determination upon that important point until he shall have an opportunity of consulting with you. I can only say that in my opinion he would make a figure in the Navy.

Poor Horace,¹ after many years of affliction, died a short time since—My mother tho' well, is in much distress in consequence of this bereavement. I have not heard from her direct since it took place: but brother John has written. All our other friends are well.

I have had so much writing to do of late that really I have no taste or relish for writing even to you. My little

daughter has opened a correspondence with her cousin and namesake who must answer her letter by first opportunity: otherwise my little Jade,³ who is somewhat punctillious, would be much hurt. She made two errors in her Epistle. It is however her first attempt. I would not suffer her to write another by way of slight punishment. Next time she will spell better. Make excuses for her. Remember, she is barely 9 years old. Kitty⁴ joins me in affection and regards.

Yr. affec. nephew,

Washⁿ, Feby. 11, 1813.

CH. W. GOLDSBOROUGH.

Mrs. Ros. Harrington,

Fayetteville,

Mr. H. W. Harrington.

¹ Horace Goldsborough, brother of Charles W. Goldsborough, an invalid who resided with his mother at Cambridge, Maryland.

² Fourth brother of C. W. Goldsborough, residing at Easton, Md., and in the practice of law; at this writing the only surviving brother of the writer.

³ Only daughter of Charles W. Goldsborough. Her name was Caroline, for his cousin, Caroline Harrington, youngest daughter of General and Mrs. W. H. Harrington.

⁴ Catherine Goldsborough, wife of Charles W. Goldsborough.

FRIDAY MORNING, 6th Aug., 1813.

DR. HENRY:

We are deprived of the pleasure of visiting you today as promised, "by wars and rumors of wars¹." This day at ten o'clock a draft takes place in this Beet; and before this reaches you I expect to acquire a new character, that of a soldier. "A substitute, my kingdom for a substitute," will be my cry should I be drafted which is more than probable as 3-5 are required; one half expected to march in less than a week to the seaboard of this State² which is supposed to be in danger of an invasion. The remainder to serve the U. States at a moment's warning. Come down instanter, yr. uncle³ wants "the sinews of war,—men and money." One man however would answer at present and you must assist in procuring him. You see I count with certainty on being drawn.

We send the chair for Harriet and hope to see you both at dinner on Saturday. Make an effort of the kneepan now. I shall be on thorns from the moment I'm drafted until I get a substitute or find it impossible. Difficult I discover it to be. Hence you will hasten down with all speed possible. Try to be here to breakfast.

Your affect. brother,
JAS. A. HARRINGTON.

I must give any price for a substitute for my business in Anson court and county will not admit of my absence.

Henry William Harrington, Eq^r

Mount Airy⁴

Alias Jones,

Anson County.

Dr. Jacobs.

¹ In 1813 the British government made unusual efforts to break the spirit of the Southern States which composed that part of the Union most determined in its support of the National administration in a vigorous war policy. Our small but heroic navy, overwhelmingly outnumbered by the British fleets, were now in large part bottled up in protected harbors and the British war office instituted an effective blockade of all the Southern coasts and threatened invasion at various points from the head of the Chesapeake to the mouth of the Mississippi. The national government was making strenuous efforts to provide men and money for adequate defense. Norfolk had been attacked in June and Hampton burned and pillaged within the same month by Admiral Warren. He still remained in the Chesapeake terrorizing all its coasts, while Admiral Cockburn was scouring the Atlantic coasts as far south as Florida. The National Government, to meet the pressing need, contracted a new loan in the summer months of 1813 and set the draft law into operation to fill up the regiments that voluntary enlistments failed to supply.

² The writer of this letter was at this date living in South Carolina, at Cheraw, in Chesterfield County, just south of Richmond and Anson counties in North Carolina. He seems to have practiced his profession of law in both states.

³ Evidently "Uncle Sam," the United States Government.

⁴ This place does not appear in the list of Anson County post offices at this date (1813).

NEW LONDON, August 10, 1813.

DEAR SIR:

This evening I was at your friend Capt. Otis's¹ while enjoying myself with the good family a young gentleman of your former order whom I had previously noticed in the public part of the House inquired in my hearing for a Mr. Legard, but on close examination of a letter he had in his hand it proved to be my name he mentioned—the let-

ter was from a Mr. Harrington that was sick in this place last winter, who wished to be remembered to a Mr. Ledgard. I soon discovered myself to him, he let me peruse the part of the letter relating to me which furnished me with the most pleasant feelings as it called to mind the time that I rendered services to a stranger and in some measure performed part of the duty incumbent on every human being—Mr. Taylor² who had your letter I was much pleased with—there was a nobleness attached to his person that insures friendship and commands respect. 'Tis late in the night (say 11 o'clock) and as I am but just discharged from being a soldier—I have not rid myself of those lazy habits that I have contracted during one month campaign. As I am nodding for my pillow—I must conclude tomorrow.

With esteem I am your friend,

J. LEDGARD.³

Capt. Otis's family wished to be remembered to you.

Harrington, I really can't conclude yet, as I have something of importance to communicate. Miss Sallie Wilson was married last Sunday at 2 o'clock P. M. to a Capt. Johnston⁴ of Baltimore after a courtship of seven days, represented as being vastly rich. When I think of you I think of the old Checker Board, the pretty girls that came to see you and old Mother Dickenson⁵. The town is evacuated in a manner since your old commander paid us a visit, no girls at all. I shall ever be happy in receiving a line from you. Taylor will tell you some little incidents as he was surrounded by your old group of friends. This is wrote in haste. I hope you will be able to English it, at any rate you will know it is from your old friend who has made repeated inquiries often on board the frigate.

J. L.

Henry William Harrington (Taylor says you rank as a justice).

Henry William Harrington,
Fayetteville, N. C.

¹ Probably the keeper of a public house or inn at which Harrington resided while sick in New London.

² Dugomier Taylor, midshipman, former associate and friend of Harrington on board the frigate United States.

³ Ledgard's references would lead to the conclusion that he was in the naval service and there associated with Harrington; but no record of his name appears in the Navy Register. If he was a soldier, he was not an officer, since his name does not appear in the Army register of officers.

⁴ Probably Hezekiah Johnson, of the Army, born in Maryland, appointed from Maryland as Captain of 1st infantry, 20, Jan., 1813. Disbanded June, 1815. Appointed Military Storekeeper, 26 Sept., 1821. Died 8 Sept., 1837.

⁵ Probably the attendant of Harrington during his illness at New London.

WASHINGTON CITY, Aug. 20, 1813.

DEAR DEAR HARRINGTON,

Your friendly letter directed to me at New London—sufficiently explained that you were unacquainted with any circumstances relative to me since your absence in February; a few days after your leaving New York, I received orders from Com. De.¹ to take charge of Schooner Ulysses—employed for the purpose of cruising to the South, to inform our vessels of the blockade of the Chesapeake. But the enemy were determined I should not succeed in my exertions—for I was captured in less than 10 days by a 74 gun frigate—After remaining with the enemy several days, was sent to Bermuda, and detained a prisoner of war for nearly three months, politely treated and had an opportunity of becoming better acquainted with the disposition of the enemy. I arrived a few weeks since in Providence, R. I., passed through New London, was received politely by the Com., settled my account with the ship and.....but first I must tell you of New London and your old friends. I found the Reepers on board, well and cheerful, showed them your letter which the purser handed to me; they all joined in wishes for your health and spirits.—At the public house where you were sick, fell in, and became acquainted with your old friend Ledgard; did read him the post-script in your letter respecting him—Presently after we were joined by the kind females who attended you when sick, mutual inquiries ensued respecting you. I assure you, never were my feelings more gratified. At the moment I repented of anything like neglect to a friend so dear.

I arrived at Washington, repaired to the Department; where my commission was presented to me²—my feelings can be better conceived than described. Ledgard wrote to you from New London. You may hear from me again before I am ordered away, my exchange being not yet negotiated—or possibly I may have the pleasure of seeing you here, as you contemplate the Military. But rest assured that whether here or there, I shall ever think you my esteemed friend.

Yours unalterably,
DUGOMIER TAYLOR.

Mr. Henry Harrington,
Fayetteville, N. C.
Mail.

¹ Commander Stephen Decatur (see above).
² Dugomier Taylor, Commissioned Lieutenant, 24 July, 1813. Died at sea 5 Oct., 1819.

GEORGETOWN, DIS., COLUMBIA,
Feb. 23rd, 1814.

MY DEAR AUNT,

I have received and thank you for your favor. About twelve months since I left the Navy department¹, & since that time have had no connections with the Government. With the present incumbent² of that Department I have but slight acquaintance: and knowing me as he does to be a Federalist, and being himself a most violent Jacobin I cannot suppose that any representation from me would have any other than an injurious effect upon the just pretensions³ of my cousin. If he can approach the present secretary thro' some loud talking Jacobin⁴, he would succeed, particularly if he should be an Irish or French one—Just from Ireland or France and a renegado the most choice of all. Should neither of these be at hand, Willis Allston⁵ might answer. His not being a gentleman is a pretty good recommendation with William Jones, because in that particular they may shake hands,—hail fellows, well met.

I must incline to the opinion, my dear Aunt, that cousin Henry is not exactly cut out for a farmer. He expressed to me a great disinclination to that kind of life. Interpose

not then to persuade him from pursuing that course which his own inclination would prompt; for he will not be happy in a contrary pursuit. The war I believe is approaching its end⁶. Such at least is the general impression here. In the event of peace, which may be expected in about five months, if cousin Henry has any disposition to go into the mercantile business I would recommend this place in preference to any other. And having made up my mind to take a partner in business (I am now a merchant) if he chooses I will join him,—& and he may make his preparatory arrangements as early as he may please. Upon this point I should wish to hear early, that I may shape my course accordingly.

My dear mother was well a few days since, and I trust in heaven continues so. My Catherine has just got out of a three months illness. I was at one time apprehensive of losing her, but she has been returned to me, tho' her constitution has undergone a severe trial. About 6 months since we had another babe which we call Hugh Allen—a sweet promising child. All my children are quite hearty. My Caroline has been for several days past talking of writing to her cousin, and she will do so in a few days and give her the fashionable news.

I am very dear Aunt,
Yr. affectionate nephew,
CHAS. W. GOLDSBOROUGH.

Mrs. Rosanna Harrington,
Fayetteville, N. C.

¹ Charles W. Goldsborough resigned as chief clerk of the naval department in December 1812, which position he had occupied since 1798.

² William Jones, Secretary of the Navy from 12 Jan., 1803 to 7 Dec., 1814. Secretary Jones was born in Philadelphia, Pa., in 1760. He joined a volunteer company at the age of sixteen, and was present at the battles of Trenton and Princeton, afterwards he entered the Continental naval service, and served gallantly under Com. Truxton on James River, when that officer encountered and beat off a British ship of superior force. In 1801 he was elected to Congress from Philadelphia as a Democrat and served one term. After his service as Secretary of the Navy 1813-14, he became president of the United States Bank after its recharter in 1816, and also collector of the port of Philadelphia. He died in Bethlehem, Pa., 5 Sept., 1831.

³ Harrington yet retained some idea of a re-entry into the naval service, though the plan never materialized.

⁴ The Federalists acquiesced with much ill grace and party spleen in the Republican administration's conduct of the war of 1812, and even in

its declaration. Partisan politics was especially bitter in 1814, culminating in the Hartford Convention as a Federalist protest and threat.

⁵ Democratic Congressman from North Carolina 1803 to 1815 and 1825 to 1831. During the war of 1812-15 with Great Britain, he was Chairman of the Ways and Means Committee of the house of representatives and particularly obnoxious to the Federalists.

⁶ Through the good offices of Russia, England and the United States had initiated tentative negotiations for peace in 1813, but it was not before August, 1814 that a meeting between American and British commissioners was first held, at Ghent, in Belgium. After long and tedious negotiations the commissioners signed a treaty on Christmas Eve, 1814, though the news did not reach America until the middle of January, 1815.

MY DEAR AUNT,

It has been a long time since I have heard from you or of you—You have I hope been well—The family also. My dear mother frequently enquires after you in the most affectionate terms—her health has not been very good lately: tho' by the last accounts she was tolerably well—having as few of the infirmities of age as any person I ever knew. She talks of visiting us this fall; but I am afraid to flatter myself with the hope of her coming.

How are you all my dear Aunt? Is Henry yet settled & has he taken to himself a partner? I would write to him but do not know where he now is.—Should he be with you, will you ask him to procure and forward to me as early as may be in his power, information upon the following points?

1st. Is there not an extensive tract of country on or near the PeeDee, covered with valuable pine and cypress timber?

2nd. What is the quality of the timber—the size in diameter and length, and how far from navigable water?

3rd. What is the quality of the soil, is it healthy or otherwise—Is there good drinking water to be had?

4th. Could water be obtained by sinking wells—upon the land generally? What is the distance from Fayetteville or Lumberton?

5th. To whom does the land belong, & on what terms could from 10,000 to 20,000 acres be purchased?

I make these inquiries understanding that there are extensive tracts of land now called Barrens, wholly uninhabited—yet covered with very valuable pine and cypress timber—near navigable water:—that they are considered as of little value because the country does not afford water falls

for saw mills—and that in consequence they can be purchased on very moderate terms. I wish the enquiries to be made without suffering it to be known, that any plan of cutting the timber and getting it to market is in contemplation. If the information I have received should prove well-founded, it is probable that I shall raise a company and have a steam power created which is far preferable to a water power—this idea however we will keep to ourselves. In that case I shall come on for the purpose of examining the lands, timber—etc., and should Henry feel disposed, he can take an interest in it.—Please request his early attention to this subject.

What an age of wonders? But yesterday¹ Napolean was dethroned and banished to Elba—and the Bourbons ascended the throne of their ancestors—today Napolean returns, seizes the reins of Gov^{nt}., drives Louis before him, gets defeated in a great battle, abdicates & rumor now says he is “hanged”! How many valuable lessons may kings and potentates draw from the history of this wonderful man?

I have been quite unwell for several days—So much so that writing, generally a pleasure, is now quite irksome to me. Excuse, therefore, my dear Aunt, the brevity of this—and with affectionate respects and best wishes to all my connections, believe me

Yr. affectionate nephew,
CH. W. GOLDSBOROUGH.

Washⁿ., Aug. 12, 1815.
Mrs. R. Harrington,
Fayetteville, N. C.

¹ Figurative. Napolean abdicated the Imperial throne of France first on April 11, 1814 by a treaty with the allied powers at Fountainbleau. He retired to Elba 4 May. Escaping from Elba he landed nine months later (March 1st, 1815) on the French coast near Cannes and begun the history of the “Hundred Days,” culminating in Waterloo, a second abdication, and banishment to St. Helena.

MY DEAR AUNT,

Your letter of the 16 ult. reached me yesterday, & it was such a gratification to hear from you, after so long a silence, that I summoned my little flock to hear it read. I may truly

say to you that they are grateful for those passages in which you so kindly remember them; & all expressed great anxiety to take a trip to North Carolina. Their sympathy for Cousin Harriet's deplorable loss¹ was manifested by their tears. Gracious heaven! What must she have suffered—what must she still suffer? Ah! cruel, tyrannical custom, that often dooms the votary of honor to involuntary error and premature death! When will this woe-breeding practice be abolished? Would to God I possessed the power of arresting it.

For the last ten days I have had and still have an afflicted family—my dear Catherine is confined to her bed with one of those terrible nervous headaches which baffles all medical skill—blisters are at length recommended, and God grant they may afford ease—my son John, and my little boy Hugh Allen are also unwell, tho' neither I hope seriously. Caroline, young as she is, is her mother's best nurse. She is all assiduity and tenderness, & cannot suffer herself to go to school while her mother remains sick. She has just informed me, that as soon as she shall be relieved from attending the sick bed of her mother, she will revive the correspondence with her cousin—Louis goes to school near us, and is progressing in his studies as rapid (ly) as I could wish. Charles is with his grandmother, who gives me flattering accounts of him.

I have not heard from my dear mother² for the last six weeks, & feel quite uneasy about her: tho' I hope if she were seriously unwell, that I should be sent for. She cannot now write with as much facility as she used to do. Her advanced age has brought infirmities of the body with it; but her superior mind retains all its charm. I often think, my dear Aunt, that my lot, in being separated from those I love so dearly is a cruel one; but imperious necessity compels submission, and I yield without a murmur tho' not without regret.

So long a time elapsed between the date of my last letter to you and my receiving your reply, that I had almost despaired of hearing from you—I had been making arrange-

ments which would have put it out of power to go to North Carolina for a considerable time. These arrangements have not however been matured; but a few days will enable us to decide. In the meantime I beg the favor of you to inform me as early as possible, how much of the timbered land in question you have³, and whether you wish the whole amount of the purchase money paid immediately. And if not, at what period or periods. The machinery and other preparations necessary to establish a steam power for sawing to advantage, are so expensive, that we are obliged to economize our resources.—In six months after the machinery should be in operation, we could pay you with perfect convenience—as it would cut 10,000 feet per day. And it is presumed that profits upon the plank cut in that period would greatly exceed the cost of the land.

There are other points upon which Cousin Wm. Henry will oblige me by giving me information—viz; 1st. Are there any good boat-builders near or on the PeeDee? 2nd. Can good laborers be had, and on what terms? 3rd. Are there any good wagon-makers? 4th. Are substantial workhorses cheap, and can plenty of provender be got for them on reasonable terms?

Upon receiving this information I think I shall be able to determine immediately with respect to proceeding personally to view the land and purchasing it. 5th. How far is the land from boatable water?

Keep me my dear Aunt in your affectionate remembrance. Present me respectfully and affectionately to my relatives and believe me, With great esteem,

Yr. nephew,

C. W. GOLDSBOROUGH.

Washⁿ Oct. 3, 1815.

Mrs. Ros^a Harrington,

Beausejour⁴, near

Haley's Ferry, on the PeeDee,

Richmond County,

North Carolina.

Fayetteville P. Office.

¹ This reference is to the death of Belah Strong, husband of Harriet Harrington, second daughter of General and Mrs. Harrington. Strong had recently been killed in a duel with a brother attorney named Holmes. See above.

² Charles W. Goldsborough's mother lived at Cambridge, Dorchester County, Maryland. See note above.

³ Goldsborough went into business after his first retirement from the naval department. A former letter made inquiries about timber lands along the Peegee. Evidently the Harringtons in reply made an offer to sell some of the timber lands of the old Harrington estate, this letter having reference to details of the projected transfer.

⁴ The Harrington family removed from Fayetteville to the Harrington homestead, Beausejour, in Richmond County, sometime in September, 1815.

CHESTER, 25 Sept., 1817.

DEAR COUSIN—

It has been a long time since I have heard of you. Yesterday as I was coming from Washington to Baltimore one of the passengers observed he was from Fayetteville.

I immediately inquired after you. He informed me that he was very well acquainted with you.

I am now on my way to Chester, Pa., to join the Franklin 74. She will in the course of a few days sail for England, from there returns to the Mediterranean and remains there for two years. As I am in a great hurry I must commence ending my letter. Give my best love to all my acquaintances and relations.

Your Affectionate cousin,
L. M. GOLDSBOROUGH¹.

U. States.

P. S. Thomas Owen Davis² desired me to give his best respects to you.

Do excuse my bad writing. The motion of the vessel is so great that I hope my apology may be accepted.

L. M. G.

Mr. Henry Harrington,
Fayetteville, N. C.
Politeness of
M. D. Smith.

¹ Louis Malesherbes Goldsborough, son of Charles Washington Goldsborough, born in Washington, D. C., 18 Feb., 1805. entered the navy as midshipman at seven years of age. He was promoted Lieutenant in January, 1825, and after serving a short time in the Mediterranean squadron went to Paris and passed two years in study. In 1827 he joined the "North Carolina" in the Mediterranean, and while cruising in the schooner "Porpoise"

In the Grecian archipelago, he commanded a night expedition of four boats and thirty-five men for the recovery of the English brig "Comet," which had been captured by Greek pirates. After a fierce fight, in which ninety of the pirates were killed, the "Comet" was rescued, and on the arrival of the expedition at Malta he received the thanks of the English government. In 1833 he married the daughter of William Wirt, and went to Florida, taking with him a colony of Germans to cultivate lands belonging to his father-in-law. During the Seminole war he commanded a company of volunteer cavalry, and also an armed steamer. In September, 1841, he was promoted Commander. During the Mexican war he was executive officer of the frigate "Ohio," which bombarded Vera Cruz in March, 1847. From 1853 to 1857 he was superintendent of the United States Naval Academy. In 1858-60 he commanded the Sloop "Levant" in the Mediterranean, and the frigate "Congress" in Brazilian waters. He was commissioned Captain in 1855. At the beginning of the Civil War in 1861 he was appointed flag-officer and placed in command of the "Minnesota," of the North Atlantic blockading squadron. In September, 1861, he planned and executed a joint army and navy expedition to the sounds of North Carolina, and captured Roanoke Island Feb. 5, 1862. He received the thanks of Congress for his service. He was made rear admiral in July, 1862. In 1865 he commanded the European squadron, in 1868 was ordered to Mare Island, California, and in 1873 was placed on the retired list, and thereafter made his home in Washington. At the time of his death, Feb. 20, 1877, he had been in service longer than any other naval officer then living and had seen more active duty. The letter to his cousin, appearing above, was written when he was twelve years old.

² Midshipman, 1 February, 1814. Resigned 4 October, 1822.

GENTLEMEN¹ :—I have delayed writing to you expecting some information from you respecting the dividing line, between Richmond and Robeson or something relative to my business as surveyor. I beg leave to suggest to you my opinion as to the first that is if the line is to be ascertained agreeably to the Act of 1777—that we shall lose territory and of course a number of the inhabitants of Richmond will be turned over to Robeson. This you, Messrs Steele and Harrington will easily understand from the following observations (as you are acquainted with surveying). If the line of Robeson as now marked was called S. 45 W. it would be the nearest point to the South Carolina line from Overstreet's Bridge (now Campbell's) because the State line, is I believe N. 45 W. and would be a right angle. But behold the line as it now stands is S. 35 W. and a square to that would be N. 55 W. which is 10 degrees farther from the North Pole than the State line and is an acute angle which must become nearer the North to find the highest point to the South Carolina line from Overstreet's Bridge. If Mr. Gilchrist² will persist in having the Act dividing the line between Bladen and Anson now to affect the county of Richmond— I think it strange indeed for you will find both counties made since

the passing of the Act that he wishes (as I have been told by Col. McQueen) renewed, or a line run according to the Act directing the line between Bladen and Anson. If he can show any Act directing the line between Robeson and Richmond different from the old marked line that has stood and is well known for many years back you must submit except where William Robinson and other from Richmond gave all below or all south of Stewart's road to Robeson. But the year following the Act was repealed at the request of Mr. Stewart³, then a member. Anything you want, such as a petition or petitions you can have by writing on immediately. But I hope the legislature will not undertake to give one part of a county to another without strong prayers from the most of the inhabitants of that quarter which is not the case and as to the old line between Bladen and Anson neither of the original parties complained and I know no other reason but avarice why Robeson wishes any change. Mr. Harrington, I have found another of Charles Haley's which perhaps is the right one which you will find enclosed. If anything is lacking on my part that was entrusted to either of you, that is material, pray write to me and I will do everything in my power at this late period to forward it. Mr. McNair will oblige me in paying to Mr. Hall Surveyor of State perhaps \$1.50 that I owe him for copies or whatever he says and I will settle with Mr. McNair when he comes home. I am Gentlemen your very

Humble servant,
L. MACALISTER.

Dec. 9, 1817.

Messrs. Thos. Steele, H. W. Harrington, & Neil McNair,
the Members from Richmond County in General Assembly, Raleigh, N. C.

¹ This letter, concerning a boundary dispute between Robeson and Richmond counties, is addressed to Thomas Steele, member of state senate, and H. W. Harrington and Neil McNair, members of the Commons from Richmond County in 1817, by L. Macalister, who appears to have been county surveyor for Richmond at this date.

² John Gilchrist, member of House of Commons from Robeson in 1817, and very often a member of either House or Senate between 1813 and 1846.

³ James Stewart, member of the state senate from Richmond County in 1804, 1813, 1814, and 1815.

CHARLESTON, 31 of July, 1843.

MY DEAR SIR:

I am now engaged in writing for the *Southern Review*² an article the object of which is to place the Southern States in that position which properly belongs to them from, and in, the war of the Revolution. My sister Harrington¹ informed me that you were in the possession of the family papers and documents of your father, and would let me have them. If, my dear sir, you will carry out this pleasing news, you will greatly oblige me and I may be a pioneer in the cause of the South as your father in the cause of our liberty—All old letters, memoranda, journals, pamphlets, etc., will be very acceptable. Mrs. Harrington will forward what you may please to favor me with.

Yours truly,
JOHN L. WILSON³.

Henry Harrington Esqr.,
Rockingham, Richmond County,
N. C.

¹ Mrs. James Auld Harrington (formerly Eleanor Wilson, daughter of Governor John Lyde Wilson, of South Carolina) resided at Cheraw, S. C.
² Evidently the "Southern Quarterly Review," founded at New Orleans in 1842 and published at Charleston, S. C., from 1843 to 1855, thence transferred to Columbia, S. C., for a few years, and afterward to Baltimore. The article referred to in this and the following letter seems never to have appeared in its columns.

³ Son of Governor John Lyde Wilson of South Carolina.

CHARLESTON, 24th of Aug., 1843

MY DEAR SIR,

My sister Eleanor¹ informed me, that on your hearing of my writing an article for the *Southern Review* in order to put the Southern States in the position that they ought to be, in the history of the United States, you were so kind as to say, I might have the use of the papers of your father. I wrote lately a hurried letter to you, which I directed to Rockingham upon this subject; since when, I have been informed of your correct address. You will greatly oblige me if you will permit me to have the use of the family papers, which may be safely and expeditiously forwarded from Che-

raw; and my sister E. has promised to attend to that for me. If you would accompany the papers with a succinct biographical sketch of your Father the kindness will be the greater. I know he held many important stations in the Revolution, and was a man not only of great intelligence, but also of great method and order.

Accept the assurance of my respect and regards

JOHN L. WILSON.

Henry Harrington, Esq.,
Rockingham,
Richmond Count,
North Carolina.

¹ Eleanor Wilson Harrington, wife of James Auld Harrington, of Cheraw, S. C.



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